Town of Arlington, MA
Redevelopment Board

Agenda & Meeting Notice
January 8, 2018

The Arlington Redevelopment Board will meet Monday, January 8, 2018 at 7:30 PM in the **Senior Center, 1st Floor Main Room, 27 Maple Street, Arlington, MA. 02476**

1. **Public Hearing Re-open Special Permit Docket #2890 for 30 Park Avenue in accordance with the provisions of MGL Chapter 40A Section 11, and the Town of Arlington Zoning Bylaw Section's 5.04-4.10 Health Club, 801(a) Parking Reduction in an Industrial Zone and 11.06 Environmental Design Review. The request is to allow an expansion of Health Club Use and continuation of the existing Auto Body Repair, Warehouse/Storage and Distribution Warehouse use.**

 7:30-8:00p.m.
 - Applicant will be provided 10 minutes for an introductory presentation.
 - DPCD staff will be provided 5 minutes for an overview of their feedback ad comments as provided in the Public Hearing Memorandum.
 - Members of the public will be provided time to comment.
 - Board members will ask additional questions and vote.

2. **Public Hearing-Special Town Meeting ARTICLE 1 ZONING BYLAW AMENDMENT/RECODIFICATION**

 8:00-9:50p.m.

 To see if the Town will vote to recodify, and therefore amend the Zoning Bylaw to make the Bylaw easier for users to navigate, simplify and update its language, and provide a better structure for predictability and flexibility in both the interests of current use and future adaptability, by:

 1. Re-organizing, re-positioning, re-captioning and re-numbering portions of the Zoning Bylaw to enhance accessibility and adaptability;
 2. updating and clarifying the purpose and authority of the Zoning Bylaw to clearly state the Town's legal and factual premises for zoning regulations;
 3. improving definitions to more clearly describe zoning districts, uses, and requirements;
 4. providing greater consistency with present State law;
 5. eliminating redundant or unnecessary provisions; making amendments such as

 - A brief introductory presentation will be provided. Board members and members of the public will be provided time to ask questions and comment.
 - Board members may ask additional questions and/ or vote.

correcting spelling and typographical errors, and eliminating or updating outdated statutory references;
6. revising, re-organizing and clarifying Zoning Bylaw administrative provisions; and
7. making other amendments for clarification and consistency;

and by taking the following actions:

1. Deleting in their entirety the following provisions and all their subparts of the existing Zoning Bylaw:

Article 1: Title, Authority, and Purpose;
Article 2: Definitions;
Article 3: Establishment of Districts;
Article 4: Interpretation and Application;
Article 5: Use Regulation;
Article 6: Dimensional and Density Regulations;
Article 7: Signs
Article 8: Off-Street Parking and Loading Regulations;
Article 9: Nonconforming Uses, Structures, and Lots:
Article 10: Administration and Enforcement;
Article 11: Special Regulations;
Article 12: Amendment, Validity, and Effective Date; and

2. Substituting the following provisions and their subparts in the document entitled "Proposed Amended Zoning Bylaw, dated December 14, 2017" on file in the office of the Town Clerk and the Department of Planning and Community Development:

- Section 1 Purpose and Authority;
- Section 2 Definitions;
- Section 3 Administration and Enforcement;
- Section4 Establishment of Districts;
- Section 5 District Regulations;
- Section 6 Site Development Standards;
- Section 7 Special Permits;
- Section 8 Special Regulations;

3. And by taking any action related thereto. (Inserted at the request of the Arlington Redevelopment Board)

3. Approval of Meeting Minutes from December 4, 2017

9:50- 10:00p.m.

Town of Arlington, Massachusetts

Public Hearing Re-open Special Permit Docket #2890 for 30 Park Avenue in accordance with the provisions of MGL Chapter 40A Section 11, and the Town of Arlington Zoning Bylaw Section's 5.04-4.10 Health Club, 801(a) Parking Reduction in an Industrial Zone and 11.06 Environmental Design Review. The request is to allow an expansion of Health Club Use and continuation of the existing Auto Body Repair, Warehouse/Storage and Distribution Warehouse use.

Summary:

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ATTACHMENTS:

	Type	File Name	Description
🗋	Reference Material	Application_30_Park_Ave.pdf	Application-30 Park Ave
🗋	Reference Material	Deed-30_Park_Ave.pdf	Deed-30 Park Ave
🗋	Reference Material	EDR_Docket_2890_06281993.pdf	1993 Docket 2890-30 Park Ave
🗋	Reference Material	Conditions-Special_Conditions_30_Park_Ave..pdf	Conditions-30 Park Ave.
🗋	Reference Material	Description_of_Conformance-30_Park_Ave.pdf	Conformance Description-30 Park Ave.
🗋	Reference Material	2002_Decision-30_Park_Ave.pdf	2002 Decision-30 Park Ave
🗋	Reference Material	Plot_Plan-30_Park_Ave.pdf	Plot Plan - 30 Park Ave.
🗋	Reference Material	Letter_Arlington_Coal_and_Lumber-30_Park_Ave.pdf	Letter from Arlington Coal and Lumber - 30 Park Ave.
🗋	Reference Material	Interior_Photos-30_Park_Ave.pdf	Interior Photos-30 Park Ave.
🗋	Reference Material	EDR_Public_Hearing_Memo_30_Park_Ave_Final.pdf	EDR Public Hearing Memo - 30 Park Ave.
🗋	Reference Material	Letters_of_Support_for_30_Park_Ave..pdf	Correspondence

Town of Arlington Redevelopment Board
Application for Special Permit in accordance with
Environmental Design Review (Section 11.06)

COPY

Required Submittals Checklist

File each in triplicate except for model
References are to Arlington Zoning Bylaw

X Dimensional and Parking Information Form

X Site plan of proposal (Section 10.11(c)) - See Site Plan filed with Docket No. 2890

N/A Model, if required (Section 11.06(d)(1))

X Drawing of existing conditions (Section 11.06(d)(3)) - See Plans filed with Docket No. 2890

N/A Drawing of proposed structure (Section (d)(3))

N/A Proposed landscaping. May be incorporated into site plan (Section11.06(d)(3))

X Photographs (Section 11.06(d)(4))

X Impact statement (Section 11.06(d)(6))

N/A Application and plans for sign permits (Section 11.06(d)(6))

FOR OFFICE USE ONLY

____ Special Permit Granted Date: _____

____ Received evidence of filing with Registry of Deeds Date: _____

____ Notified Building Inspector of Special Permit filing Date: _____

TOWN OF ARLINGTON
REDEVELOPMENT BOARD **AMENDMENT TO
Application for Special Permit In Accordance with Environmental Design Review Procedures (Section 11.06 of the Zoning Bylaw)

Docket No. 2890

1. Property Address 30 Park Avenue, Arlington, Massachusetts
Name of Record Owner(s) 30 Park Aenue Associates, LLC Phone c/o 781-860-9500
Address of Owner _____, _____
Street City, State, Zip

2. Name of Applicant(s) (if different than above) _____
Address _____ Phone _____
Status Relative to Property (occupant, purchaser, etc.) _____

3. Location of Property Block Plan No. 59, Block A, Parcels12, 13,14, 16, 17 and 18
Assessor's Block Plan, Block, Lot No.

4. Deed recorded in the Registry of deeds, Book _____, Page _____;
-or- registered in Land Registration Office, Cert. No. 233817, in Book 1300, Page 63.

5. Present Use of Property (include # of dwelling units, if any) Health Club, Warehouse/Storage, Auto Body Repair, Distribution Warehouse

6. Proposed Use of Property (include # of dwelling units, if any) Expansion of Health Club Use and continuation of existing Auto Body Repair, Wharehouse/Storage and Distribution Warehouse uses.

7. Permit applied for in accordance with Art. 5 Sec. 5.04-4.10 Health Club
the following Zoning Bylaw section(s) Art. 8 Sec. 801(a) Parking Reduction in Industrial Zone
Art. 11 Sec. 11.06 Environmental Design Reveiw
section(s) title(s)

8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.

(In the statement below, strike out the words that do not apply)

The applicant states that it is the owner ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ of the property in Arlington located at 30 Park Avenue, Arlington, MA which is the subject of this application; and that unfavorable action -*or*- no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.

Signature of Applicant(s) by its Attorneys
Carl K. Toumayan
Kajko, Weisman & Colasanti, LLP 781-860-9500
Address 430 Bedford Street, Lexington, MA 02420 Phone 7/08

TOWN OF ARLINGTON
Dimensional and Parking Information
for Application to
The Arlington Redevelopment Board

Docket No. _____

Property Location 30 Park Avenue, Arlington, MA Zoning District Industrial (I)

Owner: 30 Park Avenue Associates, LLC Address: 792 Massachusetts Avenue, Unit 2, Arlington, MA 02476

Present Use/Occupancy: No. of Dwelling Units: Uses and their gross square feet:

Proposed Use/Occupancy: No. of Dwelling Units: Uses and their gross square feet:

		Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size		128,457	128,457	min. N/A
Frontage		322.87	322.87	min. N/A
Floor Area Ratio		.587	.587	max. 1.5
Lot Coverage (%) (where applicable)		N/A	N/A	max. N/A
Lot Area per Dwelling Unit (square feet)		N/A	N/A	min. N/A
Front Yard Depth (Ft.)		52' +/-	52' +/-	min. 10'
Side Yard Width (Ft.)	right side	Variable width but > 10'		min. 10'
	left side	Variable width but > 10'		min. 10'
Rear Yard Depth (Ft.)		95' +/-	95' +/-	min. 10'
Height				min.
Stories		2	2	stories 3
Feet		24'	24'	feet 39'
Open Space (% of G.F.A.)				min.
Landscaped (s.f.)		N/A	N/A	(s.f.) N/A
Usable (s.f.)		N/A	N/A	(s.f.) N/A
Parking Spaces (No.)		122	122*	min. 133**
Parking Area Setbacks (Ft.) (where applicable)		See site plan	sumbitted with Docket No. 2890	min.
Loading Spaces (No.)		N/A	N/A	min. N/A
Type of Construction		Interior Construction		
Distance to Nearest Building		N/A	N/A	min. N/A

**total mixed use requirement

*for total mixed use requirement pursuant to special permit Sec. 8.01(a) 1. & 2.

IN RE: 30 PARK AVENUE ASSOCIATES, LLC
PETITION TO AMEND SPECIAL PERMIT NO. 2890

LOCUS: 30 PARK AVENUE, ARLINGTON, MASSACHUSETTS

30 Park Avenue Associates, LLC is the owner of 30 Park Avenue, Arlington, Massachusetts. See copy of deed attached hereto as Exhibit 1.

In support of its application to amend Special Permit Docket No. 2890, as previously amended by Amendment to Special Permit Docket No. 3189, 30 Park Avenue Associates, LLC states as follows:

Incorporated herein by reference is the Site Plan filed with Special Permit Docket No. 2890. Applicant represents that there will be no exterior changes to the existing building or site.

Attached hereto as "Exhibit 2" and incorporated herein by reference is a copy of the Decision of the Arlington Redevelopment Board granting Special Permit Docket No. 2890. The findings of fact made by the Board and the information contained therein are still applicable and relevant to this application.

Attached hereto as "Exhibit 3" and "Exhibit 4" respectively and incorporated herein by reference are the "Review of Conditions for the Granting of the Special Permit" and the "Description of Conformance with Environmental Design Review Standard" submitted with Docket No. 2890. The representations and arguments set forth therein remain true today.

Attached hereto as "Exhibit 5" and incorporated herein by reference is a copy of the Decision of the Arlington Redevelopment Board granting an Amendment to Special Permit Docket No. 3189. The findings of fact made by the Board and the information contained therein are still applicable and relevant to this application.

Applicant further states upon information and belief, that its tenant, Parkway Fitness, Inc. d/b/a Gold's Gym (hereinafter "Gold's Gym") has been operating its current facility since 1993 without any notice of complaints from abutters or the Town. Gold's Gym has become a valuable asset to the Arlington Heights Business Community.

Applicant has leased additional floor space of approximately 8,000 square feet to Gold's Gym, and Gold's Gym will as a result occupy a total of 35,025 square feet in the building located at 30 Park Avenue, Arlington, Massachusetts. Gold's Gym will use the additional space for offices and expansion of the existing gym in accordance with the Floor plans filed herewith.

The proposed expansion of the facility by Gold's Gym is intended to:

a. Provide additional gym space; and

b. A baseball/softball training facility offering individual and small group lessons, clinics, and camps to youth and high school players (it is not a club based program). It is intended to help grow the game at the youth level in surrounding areas, and supplement town based programs with an indoor facility dedicated to providing individual or group lessons for fielding, hitting, pitching and other baseball and softball skills.

The proposed gym expansion will have no real increase in traffic or parking based on the occupants of the building. The occupancy of the 30 Park Avenue site will be as follows:

Occupant	Use:	Floor Area	Parking Required
a) Davidson Management	Storage	4,000 sq. ft.	4
b) Alpha Autobody	Auto Body	4,000 sq. ft.	4
c) Auto Parts International	Warehousing	8,375 sq. ft.	8
d) Gold's Gym	Health Club	35,025 sq. ft.	117
Total Mixed-Use Parking:			133

The hours of operation and number of on-site employees for the respective uses is and will be as follows:

a) Davidson Management – storage is accessed periodically. There are no on-site employees;
b) Alpha Autobody – Hours of Operation, Monday - Saturday 7:30 a.m. to 5:00 p.m., Two on-site employees;
c) Auto Parts International – Hours of Operation, Monday -Saturday, 7:30 a.m. to 5:30 p.m., Two on-site employees;
d) Gold's Gym:
 1. Gym Operation – Hours of Operation, Monday – Thursday, 5:00 a.m. to 10:00 p.m.; Friday, 5:00 a.m. to 9:00 p.m.; Saturday and Sunday, 7:00 a.m. to 7:00 p.m. – three full time employees and two part time employees, not all working same shifts;
 2. Baseball Operation – Hours of Operation:
 a. November – March – Monday through Friday, 3:00 p.m. to 10:00 p.m.; Saturday and Sunday, 8:00 a.m. to 6:00 p.m.;
 b. April – September – most baseball instruction and practice is held outside at local ball fields.
 c. Number of on-site employees three.

Applicant's parking lot is a pre-existing parking lot, and the Town has held in the past that the parking spaces are grandfathered. Attached hereto as Exhibit 6 is a parking plan, which was also provided to the previous Boards hearing the Special Permit and the Amendment to

Special Permit. The Parking Plan shows 122 parking spaces available for the occupants of 30 Park Avenue.

Based on the above cited uses and their respective hours of operation, the Applicant contends that the Board can grant a special permit reducing the required parking spaces from 133 to 122 spaces under either:

1. Article 8, Section 8.01 (a) permitting a 25% reduction in the required off street parking as a result of existing spaces being adequate for the buildings uses; or
2. Article 8, Section 8.01 (a) 1. – shared parking as the uses are non-competing. Davidson Management does not use parking. Its employees pull into the storage space area, load their vehicle with whatever building inventory or equipment is needed and leave; Alpha Auto Body's two employees use just two parking spaces; Auto Parts International's employee's use just two parking spaces, and are out delivering parts to customers throughout the day; Gold's Gym's peak hours are 6:00 a.m. to 7:30 a.m. and 7:00 p.m. to 10:00 p.m., which are at times when the other building occupants are not operating or making demands upon the parking; and
3. Article 8, Section 8.01 (a) 2. allows the use of off-site parking. Attached hereto as Exhibit 7 is a letter from Arlington Coal and Lumber confirming the availability of parking spaces in their lot located at 41 Park Avenue, which is within 600 feet of the subject property, at night and on weekends for Gold's Gym's customers.

In conclusion, the expansion of Gold's Gym will have no detrimental effect on existing conditions at the site in particular, or the Heights in general. As a result of the foregoing, Applicant respectfully requests that the Board grant the Application to Amend Special Permit Docket No. 2890 and allow the expansion of Gold's Gym.

November 30, 2017

Respectfully Submitted,
30 Park Avenue Associates, LLC
By Its Attorneys
Kajko, Weisman & Colasanti, LLP

Carl K. Toumayan
Kajko, Weisman & Colasanti, LLP
430 Bedford Street, Suite 190
Lexington, Massachusetts 02420

3 Total Pages

2005 01373480
Bk: 1800 Pg: 63 Cert#: 233817
Doc: DEED 05/12/2005 10:50 AM

QUITCLAIM DEED

30 Park Avenue Associates LLP

OF

60 Lowell Street, Arlington, MA 02476

IN CONSIDERATION OF

For Nominal Consideration $1.00

GRANT TO

30 Park Avenue Associates LLC, a Delaware Limited Liability Company

OF

60 Lowell Street, Arlington, MA 02476

Property Address
30 Park Ave
Arlington, MA

WITH QUITCLAIM COVENANTS

THE FOLLOWING DESCRIBED PREMISES:

That certain parcel of land situate in Arlington in the County of Middlesex and said Commonwealth, bounded and described as follows:

NORTHWESTERLY by the southeasterly line of Park Avenue, three hundred twenty-two and 87/100 feet;
NORTHEASTERLY fifty-four and 89/100 feet;
NORTHWESTERLY fourteen and 54/100 feet;
NORTHEASTERLY three hundred four and 02/100 feet;
SOUTHEASTERLY nine feet; and
NORTHEASTERLY thirty-four and 11/100 feet by land now or formerly of the Boston and Maine Railroad;
NORTHEASTERLY by the southwesterly line of Lowell Street one hundred eighty-four and 91/100 feet;
SOUTHEASTERLY & SOUTHWESTERLY by lands of sundry adjoining owners as shown on plan hereinafter mentioned, six hundred seventy-nine and 24/100 feet; and
SOUTHEASTERLY by land now or formerly of John W. Burt et al one hundred fifty-two and 50/100 feet.

All of said boundaries are determined by the Court to be located as shown on a plan, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion

KESHIAN & REYNOLDS, PC
1040 MASSACHUSETTS AVENUE
ARLINGTON, MA 02476

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of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 597, Page 34, with Certificate 93384. (Pl No 271054)

So much of the above described land as is included within the limits of the way, approximately shown on said plan, is subject to restrictions, and to rights reserved for the benefit of said John W. Burt et al land as set forth in a deed given by Samuel P. Hebard to the Boston and Maine Railroad, dated December 3, 1900, duly recorded in Book 2863, Page 201.

A portion of the above described land is subject to restrictions and rights reserved in a deed given by The Pierce and Winn Company to said Boston and Maine Railroad, dated January 7, 1901, duly recorded in Book 2870, Page 542.

The above described land is subject to restrictions as set forth in a deed given by the Boston and Maine Railroad to Lilly L. Benson, dated September 20, 1955, duly recorded in Book 8629, Page 469.

So much of the above described land as is included within the area marked "Sewer Easement (10.00 - feet wide)" approximately shown on said plan, is subject to a sewer easement as set forth in a taking by The Commonwealth of Massachusetts, dated April 2, 1898, duly recorded in Book 2645, Page 348.

So much of the above described land as is included within the area marked "Sewer (15.00 - feet wide) Easement" approximately shown on said plan, is subject to a sewer easement as set forth in a taking by said Commonwealth of Massachusetts, duly recorded on December 18, 1931, in Book 5616, Page 570, and in a release given by the Boston and Maine Railroad to The Commonwealth of Massachusetts, dated March 14, 1932, duly recorded in Book 5631, Page 340.

The above described land is subject to any easement contained in a taking by the Town of Arlington, dated July 7, 1898, duly recorded in Book 2751, Page 86.

The above described land is subject to rights reserved and to restrictions and agreements contained in a deed given by the Boston and Maine Railroad to Lilly L. Benson, dated September 20, 1955, duly recorded in Book 8629, Page 469.

The above described land is also subject to the flow of a natural water course running through the same and shown on said plan as Mill Brook.

Subject to and with the benefit of any and all easements and restrictions of record insofar as the same are now in force and applicable.

See death certificate for Henry E. Davidson filed herewith

For title, see Certificate of Title Number 02007160, in Registration Book 1133, Page 166.

In Witness Whereof the said 30 Park Avenue Associates LLP has caused its corporate seal to be hereto affixed and these presents to be signed, in its name and behalf by Henry E. Davidson, Jr., Its Real Estate Partner, hereto duly authorized this 29th day of December 2004.

30 Park Avenue Associates LLP

By: _____
Henry E. Davidson, Jr., Real Estate Partner

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 29th day of December 2004, before me, the undersigned notary public, personally appeared Henry E. Davidson, Jr., proved to me through satisfactory evidence of identification, which were

Check acknowledgment form:

___ *current document issued by federal or state government agency bearing photographic image of face of document signer*

___ *document signer is personally known to the notary*

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

Notary Public Carl K. Toumayan
My Commission Expires: 11/17/06

CARL K. TOUMAYAN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 17, 2006

ADDRESS OF PREMISES:

30 Park Avenue
Arlington, MA 02476

FROM THE OFFICE OF:

KESHIAN & REYNOLDS, P.C.
1040 Massachusetts Avenue
Arlington, Massachusetts 02476
Telephone: 781-646-0600

DOCUMENT 01373480

Southern Middlesex LAND COURT

REGISTRY DISTRICT

RECEIVED FOR REGISTRATION

On: May 12,2005 at 10:50A

Document Fee: 125.00
Receipt Total: $200.00

CERT: 233817 BK: 01300 PG: 63

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ARLINGTON REDEVELOPMENT BOARD

Arlington, Massachusetts

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

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DOCKET NO. 2890

REQUEST FOR SPECIAL PERMIT

Subject to

ENVIRONMENTAL DESIGN REVIEW

Petitioner Henry E. Davidson

Date of Hearing June 28, 1993

Date of Decision ~~July 27, 1993~~

Members Present:

Approved	Denied
William Lovi	
Edward T-M. Hsi	
Barry Faulkner	
Doris M. Crennen	
John A. Lichtman	

Town Clerk's Certification

I hereby certify this to be a True Copy of the Decision of the Arlington Redevelopment Board as filed in the Office of the Town Clerk of the Town of Arlington, Massachusetts on July 27, 1993 and that 20 days have elapsed after the Decision and no Appeal has been filed.

Date of Issue: August 17, 1993

ATTEST: [signature]
Town Clerk

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OPINION OF THE BOARD

This is a petition of Henry E. Davidson, operating as Davidson Management Company, owner of the property at 30 Park Avenue. The petitioner seeks Special Permits from the Redevelopment Board to lease 17,500 square feet of an industrial building for a fitness center (Use 4.10 - Health Club). The petitioner has entered into an agreement with Mr. Fran Shea and Mr. Joe Travia of 71 Lansdowne Street, Boston, who have been issued a franchise to operate a Gold's Gym at this location. In addition, he seeks Special Permits under Section 7.09 - Special Permits relating to signs - and Section 8.12(n) Parking and Loading Space Standards.

An earlier petition (No. 2880) filed on March 1, 1993, was scheduled for a public hearing on March 29, 1993, and was continued by mutual consent to April 12, 1993. On April 5, 1993, the petitioner requested leave to withdraw without prejudice, which was voted by the Board on April 12, 1993.

The subject property is one of three buildings in an industrial complex that has been used for office, manufacturing and warehouse purposes. The property is located in the Industrial (I) District between Park Avenue and Lowell Street. On its southern boundary are multi-family residential uses and commercial uses fronting on Massachusetts Avenue. A portion of its northerly boundary abuts the Minuteman Bikeway.

The Building Inspector has determined that this petition should come before the Redevelopment Board for Special Permits under Environmental Design Review. Section 11.06 b. 1 states as follows: "In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use a) requires a building permit, b) is subject to a special permit in accordance with Section 5.04, Table of Use Regulations, and c) is one of the uses included in subparagraphs (a), (b), (c), (d), (e), (f), or (g) below, the aforementioned special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards hereinafter specified." In addition, this use requires more than 20 parking spaces and is a nonresidential use in excess of 10,000 square feet.

The petition is evaluated by the Board in accordance with Sections 10.11a and 11.06 of the Zoning Bylaw.

Section 10.11a-1 **The uses requested are listed in the Table of Use Regulations as a Special Permit in the district for which application is made or is so designated elsewhere in this Bylaw.**

The property at 30 Park Avenue is located in an Industrial (I)

Zoning District. Section 5.04 (Table of Use Regulations) of the Zoning Bylaw under Use 4.10 - Enclosed entertainment and recreation facilities including a bowling alley, health club, skating rink or other recreational activity conducted for a profit - allows a health club to exist in the I District by Special Permit. The Board has determined that the requested use is listed in the Table of Use Regulations as a Special Permit use in the I Zoning District and that the Board has the right to hear and act on the petition in accordance with the provisions of the Zoning Bylaw. In addition, the Board is empowered to act on the requests for permits under Section 7.09 and 8.42(n).

Section 10.11a-2 - The requested use is essential or desirable to the public convenience or welfare.

The petitioner in his submission has indicated that the use is essential and/or desirable to the public convenience or welfare because this facility is the only full service health club located in Arlington west of Arlington Center. In addition, the petitioner believes that this use is essential or desirable because it will result in the revitalization of one of the few remaining industrial sites within the Town. The petitioner also states that the replacement of the vacant industrial space with a health club will result in an improvement to the environment. The petitioner also believes that there will be a positive impact on the business community in Arlington Heights because of a new customer market that will be brought to the area by the health facility. The Board agrees with these findings, and, therefore, the Board finds that the petitioner has submitted sufficient evidence to satisfy Section 10.11a-2.

Section 10.11a-3 - The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The petitioner had prepared and submitted a Traffic Impact Assessment dated May, 1993, prepared by Carlson Consulting Associates, 14 Van Brunt Avenue, Dedham, MA 02026. The study examined existing conditions including traffic operations, levels of service, accident history, trip generations and distribution and traffic impacts. The report concluded by recommending a number of recommendations ranging from restriping to the installation of a new traffic signal installation at the Park Avenue, Massachusetts Avenue intersection. The Board requested The BSC Group, Consultants, to the Board to evaluate the petitioner's submission. BSC found that the assessment had been prepared in accordance with the accepted standards of transportation engineering. The consultants noted that there was no evaluation of the mid-day peak hour operations on Saturday which is a critical time period.

The consultants also suggest that some of the deficiencies noted by the petitioner could be corrected as part of the project. These include the addition of signing, the restriping of roadways, and the upgrading the major intersection. The consultants also suggest

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interior access drives should be marked to achieve better flow and for pedestrian safety.

In conclusion, the Board finds that the requested use will not create undue traffic congestion or unduly impair pedestrian safety. However, the Board reserves the right to monitor traffic and parking operations.

Section 10.11a-4 - **The requested use will not overload any public water drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.**

The petitioner has indicated that the building is serviced by a two inch (2") waterline and a six inch (6") sanitary sewer line which is tied directly to a thirty-six inch (36") MWRA sewer line which passes along the south side of the building. The petitioner states, and the Board finds, that the proposed use will not overload in this system. Historically the surface water drainage sheeted across the parking lot in a northerly direction to a drainage ditch on the north side of the railroad tracks. The construction of the Minuteman Bikeway caused three twelve inch (12") RCP drain pipes to be installed from the property line of 30 Park Avenue to the drainage ditch. Observations over the last year have shown the parking lot to properly drain with this new system.

Therefore, the Board finds that the proposal satisfies the finding required under Section 10.11a-4.

Section 10.11a-5 **Any special regulations for the use, set forth in Article 11, are fulfilled.**

In order to satisfy the Board in granting a Special Permit subject to Environmental Design Review, the petitioner must satisfy the eleven Environmental Design Review Standards which are intended to provide guidelines in reviewing each specific development. Each of these standards is reviewed and evaluated by the Board as follows:

EDR-1 **<u>Preservation of Landscape:</u> The landscape shall be preserved in its natural state insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighboring developed areas.**

The petitioner has indicated that there will be no new site construction taking place other than the proposed exterior stairs for the second means of egress, and the existing landscaping will not be disturbed. Some landscaping currently exists on the site as

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shown on the Site Plan and Parking Plan dated May 3, 1993. The petitioner indicates that no regrading will be required since existing drainage serves the present development. The survey plan submitted with the application provides information about existing utilities which is a requirement of Section 10.11c of the Zoning Bylaw. Based on evaluation of the material submitted, the Board finds that the petitioner satisfies the standard of EDR-1.

EDR-2 **Relation of the Building to the Environment:** **Proposed development shall be related harmoniously to the terrain and to the use, scale and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R-1 or R-2 district or on public open space.**

The proposed use will be placed in an existing industrial building and no changes are contemplated to the outside of the building which was constructed in 1959 other than the proposed exterior stairs. Since the bulding already exists and there are no changes contemplated to its exterior, the Board finds that the proposal satisfies the standard of EDR-2.

EDR-3 **Open Space:** **All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.**

There is currently no open space developed on the site. The petitioner proposes no changes and, therefore, concludes that this standard is not applicable. The Board concurs.

EDR-4 **Circulation:** **With the respect to vehicular and pedestrian circulation including entrances, ramps, walkways, drives, and parking. Special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.**

This standard is addressed in Section 10.11a-3.

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EDR-5 **Surface Water Drainage:** **Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.**

The standard was reviewed under Section 10.11a-4 above.

EDR-6 **Utilities Service:** **Electric, telephone, cable, TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.**

The petitioner indicates that the proposed use will utilize existing utility services which are underground as shown on the site plan. The method of sanitary sewage disposal is discussed in Section 10.11a-4 above and meets this standard. Therefore, the Board finds that the proposal meets the standards of EDR-7.

EDR-7 **Advertising Features:** **The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.**

The petitioner has submitted plans (attached) showing two proposed signs, one for the main entrance at 30 Park Avenue, and one for the west entrance which faces the Minuteman Bikeway. The sign proposed at the main entrance will be two feet high and 14 feet long, lit by existing wall bracketed fluorescent sign lighting which will be relocated from elsewhere on the facade. The awning sign, 3 feet by 32 feet, will be lit from behind. The signage meets the standards for EDR-7, and Board so finds subject to review and approved final colors and lighting.

EDR-8 **Special Features:** **Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.**

The site currently contains outside storage areas and piles of apparently discarded materials. Since the building will be in multiple use, the Board requires a clean-up of the 30 Park Avenue

section of the property. The site plan shows a dumpster located in the parking lot adjacent to the Bikeway. This standard and the regulations promulgated under Town Bylaw Article 30 requires appropriate screening of dumpsters. It is recommended that the dumpster be moved away from the Bikeway and be appropriately screened in a less visible location. The Board is also concerned that the property is not handicapped accessible; and since this is a change in use which will involve alterations, there may be a requirement that it be fully handicapped accessible under the American Disabilities Act. The Board finds that the proposal meets the standards of "EDR-8 subject" to approval of the Building Inspector.

EDR-9 **Safety:** **With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public; and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.**

The Board finds the petitioner meets the standards of EDR-9 subject to the Building Inspector reviewing and approving the final plans.

EDR-10 **Heritage:** **With respect to Arlington's heritage, removal or disruption of historic, traditional, or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.**

There are no historic buildings on this site or within the immediate vicinity; and, therefore, it is the opinion of the Board that this standard is not applicable in this case.

EDR-11 **Microclimate:** **With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.**

There is a statement indicating that there will be no adverse impact on microclimate and satisfactory evidence was submitted at this hearing; therefore, the Board finds the petitioner meets EDR-11.

Section 10.11a-6 The requested use will not impair the

JUL 27 9 50 AM '93

integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

The petitioner concludes that the use of this industrial building by a health club will not impair the integrity or character of the district. The Board concurs with this finding.

Section 10.11a-7 **The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.**

The petitioner points out correctly that this is the only full service health club west of Arlington Center; and, therefore, it is the opinion of the petitioner and also the Board that this will not create an excess of this particular use that could be detrimental to the character of this neighborhood.

DECISION

At the hearing and in his submission, the petitioner requested the Board to consider a reduction in the number of parking spaces required due to the proximity of the site to the Minuteman Bikeway. The Board voted not to permit the requested reduction at this time. Accordingly, the Board votes to grant the requested Special Permits under Section 7.09, 10.11a-1 through 7 and 11.06 as set forth above subject to the following conditions:

1. All existing utilities serving the site and any new ones shall be located underground.

2. Final landscaping plans and specifications including the connection to the Minuteman Bikeway shall be subject to the review and approval of the Board. All plant materials shall thereafter be properly maintained. The Board shall specifically approve final design of fences, signs, and exterior lighting including type of materials, fixtures, location, height and intensity.

3. Final plans and specifications for the building shall be subject to the approval of the Board. The Board will maintain its jurisdiction of final plans and specifications by approving them at design development, 50% working drawings and 100% working drawings.

4. Final plans and specifications as approved by the Redevelopment Board shall be the final plans and specifications submitted to the Building Inspector of the Town of Arlington in connection with applications for building permits for the project. There shall be no deviation during

construction from the approved plans and specifications without the express written approval of the Board except in cases where said changes are made to the interior of the building in such a way that there will be no change to the exterior portions of the property.

5. All snowplowing of the parking area and adjoining sidewalks shall be the responsibility of the petitioner and shall be accomplished in accordance with Article 9, Section 21, of the Bylaws of the Town of Arlington. Plowing of the parking lot shall be completed within twenty-four hours of the end of the precipitation in a manner that ensures that all parking spaces are available for their intended use.

6. All trash and solid waste generated at the site shall be disposed of by private contract unless modified in writing by the Board. The petitioner is required to ensure that the site is kept clear of blowing trash, paper and other refuse. Outside storage in dumpsters is specifically prohibited without the specific approval of the Arlington Redevelopment Board.

7. The Board reserves the right to review parking and circulation at, to, and from the site and to institute additional controls and/or physical reconstruction of the parking lot and access/egress drives, if necessary, including but not limited to the hiring of traffic control officers by the owner and if necessary the restriction of the hours of operation of the facility. Said restriction(s) or modification(s) if any shall be instituted only after a public hearing convened by the Board to receive testimony and evidence on the need for these additional controls. The petitioner shall be responsible for providing all required traffic signs to ensure safety.

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DOCUMENT ACCESS LIMITED

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SQ. MINIM ESEX LAND COUPT
PECEIVED DISTRIBUTION
PECEIVED FOR PECISTRATION
ON 10/17/94 AT 03:16:29 20.00 SAL

NUMBER ON:
DEPT 01000955 REC 635 PG 5

IN RE: DAVIDSON MANAGEMENT COMPANY

LOCUS: 30 PARK AVENUE
ARLINGTON, MASSACHUSETTS

REVIEW OF THE CONDITIONS FOR THE GRANTING OF THE SPECIAL PERMIT

Article 10, Section 10.11 of the Arlington Bylaws requires the petitioner to establish the following seven conditions prior to the granting of an application for a Special Permit by the Arlington Redevelopment Board:

Section 10.11.a.1. The use requested is listed in the Table of Use Regulations as a Special Permit in the district for which application is made or is so designated elsewhere in the Bylaw:

The proposed development is subject to environmental design review permit procedure under Chapter 11, Section 11.06.b.1.(a) of the Arlington Zoning Bylaw, as a result of the change in use: requiring a building permit; being subject to a Special Permit in accordance with Article 5, Section 4.10 of the Table of Use Regulations; and its being a non-residential use in a non-residential district with more than 10,000 square feet of gross floor area and more than 20 parking spaces. Further, a Special Permit is required pursuant to Section 8.12 (n) for parking reduction.

Section 10.11.a.2. The use requested is essential or desirable to the public convenience or welfare:

Davidson Management Company's proposal will be a revitalization of one of the few remaining industrial zones within the Town of Arlington. It will remove from the community an environmentally intensive use and replace it with a more environmentally sound use. It will provide the business community in the Heights district of the Town with a new customer market, and will allow the Town of Arlington to maintain its commercial tax base and avoid the trend of having to rely on residential taxes for the funding of community services. Unquestionably, the Davidson Management Company proposal will not only be an economic boost for the petitioner but for the Town of Arlington as well.

Section 10.11.a.3. The requested use will not create undue traffic congestion or unduly impair pedestrian safety:

The impact on pedestrian safety will be minimized by the implementation and use of the existing two curb cuts for providing a means of access and egress to the site. The site is serviced by an existing curb cut on Lowell Street, approximately 35 feet in width and a second, existing curb cut on Park Avenue. Furthermore, the proposed use intends to encourage its customers to use the Minuteman Trail for access to the facility as depicted on the plans submitted. It is the petitioner's opinion that a great number of the customers of the proposed facility will utilize the trail when coming to and leaving the facility since the use of the trail is complementary to the proposed use. The proposal will not create undue traffic congestion due to the fact that ingress and egress from the premises will be in accordance with the flow of traffic down the adjoining streets, as well as adequate parking for the facility. The proposed project will have a minimum parking capacity of 48 vehicles. Utilization of the Minuteman Trail should alleviate traffic congestion to the premises. Clearly, the proposed use of the premises will lessen the traffic of heavy commercial trucks which once serviced the manufacturing facility. See Exhibit A - Use Data, attached hereto and incorporated herein by reference. See also petitioner's traffic study filed herewith.

Section 10.11.a.4. A finding must be made that the requested use will not overload any public water, drainage or sewer system:

This standard contemplates an intensification of use on any particular site. The building is presently serviced by a two-inch (2.00") water line and a six-inch (6.00") sewer pipe which is tied into a thirty-six-inch (36.00") MWRA sewer line located on the property. The petitioner expects that these services will be sufficient to accommodate the purposed use. There will be no increase in the amount of floor space on the present site and the proposed use is such that the consumption of water and waste generated probably would be more than that generated when the premises was utilized for manufacturing and office space, but surely not enough to overload the existing systems. See Exhibit B - Water Use, attached hereto and incorporated herein by reference. Furthermore, drainage will be similar to that which presently exists as depicted on the site plan submitted for the existing site.

Section 10.11.a.5. Special regulations set forth in Article 11 are fulfilled:

It does not appear that any special regulations other than environmental design review are required for this project as contained in Article 11.

Section 10.11.a.6. A finding is required that the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals or welfare:

Since the requested use will be contained in an existing manufacturing facility, surrounded by numerous other manufacturing facilities and warehouses, with no residential uses within a few block radius, it does not seem probable that the requested use will impair the integrity or character of the district, but truly improve the environmental quality of same. Furthermore, the petitioner intends to use the existing structure and facade with no changes, other than the construction of additional exits and outdoor stairway as shown on the plans submitted, so as not to alter the appearance of the industrial zone. It is obvious that the proposed use contemplated by Davidson Management Company will not be detrimental to the health, morals or welfare, but rather should enhance the same.

The proposed use is situated on a lot of land and bounded several feet below street level at Park Avenue which provides an adequate screening of the existing structures from adjoining properties and roadways. Furthermore, there exists on the premises natural fauna and foliage which acts as a natural screen from existing roadways. The existing fauna and foliage along with the difference in elevations between the site and roadways should effectively screen the parking area from any adjacent homes and provide an effective noise and visual buffer.

Any overhead lighting used for the parking area will be properly screened so as to avoid any resulting glare on adjacent properties.

Section 10.11.a.7. The requested use will not cause an excess of that particular use that could be detrimental to the character of the said neighborhood:

The Town of Arlington often divides the municipality up into different districts for purposes of establishing school and voting districts. Likewise, there are several similar uses throughout each of these districts. It is not uncommon to find several food establishments, grocery stores, restaurants, general merchants and gas stations within the same district. Within the Heights district, there is no full-service health facility. The proposed

EXHIBIT "A"

GOLD'S GYM OF BOSTON
USE DATA FOR
TUESDAY, MARCH 23, 1993

6:00 a.m.	-	8:00 a.m.	50 people
8:00 a.m.	-	10:00 a.m.	20 people
10:00 a.m.	-	12:00 p.m.	30 people
12:00 p.m.	-	2:00 p.m.	60 people
2:00 p.m.	-	5:00 p.m.	90 people
5:00 p.m.	-	8:00 p.m.	220 people
8:00 p.m.	-	10:00 p.m.	30 people

Average workout time approximately 1 hour.

Gold's Gym of Boston has a total membership built up after three years of approximately 2,200 members. Monday and Tuesday are Gold's Gym's busiest days.

We anticipate a total membership after one year of approximately 1,000 members.

EXHIBIT "B"

DAVIDSON MANAGEMENT CO.
TOWN OF ARLINGTON
WATER CHARGES FOR 30 PARK AVENUE

Month/Year	Previous	Cu. Ft. Present	Consumed	
03/86	673100	643400	29,700	
09/86	643400	712100	68,700	98,400
03/87	712100	736900	24,800	
09/87	736900	764400	27,500	52,300
03/88	764400	791200	26,800	
09/88	791200	818700	27,500	54,300
03/89	818700	842300	23,600	
09/89	842300	873900	31,600	55,200
03/90	873900	900500	26,600	
09/90	900500	918300	17,800	44,400
03/91	918300	938800	20,500	
09/91	5000	28000	23,000	43,500
03/92	28000	76000	48,000	
09/92	76000	104000	28,000	76,000

ANTICIPATED USE
BASED UPON BOSTON GOLD'S FACILITY

Number of Members: 2,200

Water usage for entire building: February - March, 1993

Cask & Flaggon Bar	10,000 square feet
Boston Gold's Gym	15,000 square feet

13,000 cubic feet
Estimated 50% Gym Use: 6,500 cubic feet
X 12 months = 78,000 cubic feet

GOLD'S GYM FITNESS AND AEROBICS CENTER
ARLINGTON, MA

PROGRAM MENU

HI/LO AEROBICS
STEP AEROBICS
LOW IMPACT AEROBICS
OVER 50 AEROBICS
SELECTORIZED EQUIPMENT (NAUTILUS AND CYBEX)
FREEWEIGHTS
LIFECYCLES
STAIRMASTERS
TREADMILLS
ROWING MACHINES
TWO "SUSPENDED HARDWOOD" AEROBIC STUDIO
BASKETBALL COURT/VOLLEYBALL COURT
PERSONAL TRAINING
BODYFAT TESTING/CHOLESTEROL SCREENING
BLOOD PRESSURE SCREENING
NUTRITIONAL CONSULTATION
SPORT CONDITIONING AND THERAPY
CERTIFIED INSTRUCTORS
BEGINNER INSTRUCTION CLASSES
REFRESHMENT CENTER (WATER, FRUIT DRINKS, SPORTS DRINKS)
SEPARATE MEN'S AND WOMEN'S LOCKER FACILITIES
HANDICAP LOCKER FACILITIES
TOWEL SERVICE
BABY SITTING
DIRECT ACCESS TO MINUTEMAN BIKE PATH
FREE PARKING
AIR CONDITIONING
GOLD'S GYM SPORTSWEAR
GOLD'S GYM MEMBERSHIP HONORED WORLDWIDE
SENIOR CITIZENS PROGRAM

EXHIBIT "D"

DAILY ACTIVITIES CALENDAR
GOLDS GYM FITNESS AND AEROBICS CENTER

6:00 A.M.	EARLY BIRD AEROBICS
(9:00 A.M.-2:00 P.M.)	BABY SITTING
9:00 A.M.	LOW IMPACT AEROBICS
9:30 A.M.	BLOOD PRESSURE AND CHOLESTEROL SCREENING (EVERY TUESDAY)
10:00 A.M.	SENIOR CITIZEN STRETCH AND TONE
11:00 A.M.	SENIOR CITIZEN 2 MILE WALK AND MINUTEMAN TRAIL
12:00 (NOON)	LUNCH TIME AEROBICS
12:30 P.M.	NUTRITIONAL WORKSHOP & CONSULTATION (EVERY WEDNESDAY)
3:00 P.M.	BEGINNERS CIRCUIT TRAINING PROGRAM
5:30 P.M.	HIGH IMPACT AEROBICS
6:30 P.M.	STEP CLASS
7:30 P.M.	LOW-IMPACT AEROBICS
8:00-10:00 P.M.	OVER 30 BASKETBALL LEAGUE (M-W-F-) (CO-ED)
8:00-10:00 P.M.	OVER 30 VOLLEYBALL LEAGUE (TUES/THURS) (CO-ED)

development is intended to be a full-service health facility serving the entire town, but primarily that portion of the community west of Mill Street. See Exhibits C and D attached hereto and incorporated herein by reference, for services to be provided by proposed use. As a result and due to the fact that the proposed use will be located in an existing industrial zone, and that the proposed use will be more environmentally sound, it is obvious that the proposed use would not be detrimental to the character of this industrial zone or constitute an excessive use.

atl/rte/davicond.d03

IN RE: DAVIDSON MANAGEMENT COMPANY

LOCUS: 30 PARK AVENUE
ARLINGTON, MASSACHUSETTS

DESCRIPTION OF CONFORMANCE WITH

ENVIRONMENTAL DESIGN REVIEW STANDARD

Article 11, Section 11.06, requires an environmental design review which sets forth the following requirements:

Section 11.06.f.1. Preservation of Landscape:

The existing landscape shall be preserved in its natural state. There is no new construction which will take place on the site, other than new exits and stairway as shown on the plans submitted, and therefore, the existing natural landscaping along the bike path, front of building and the abutting roadway shall not be disturbed. The property has adequate parking available, and as a result, no bushes or shrubbery would need to be removed. Furthermore, no change in grading will be required as a result of the existing drainage, as shown on the site plan of the premises, being adequate to service the existing structures thereon.

Section 11.06.f.2. Relation of Buildings to Environment:

The proposed use will exist in an existing building which is similar in scale and architecture to that of other buildings existing within the industrial zone.

Section 11.06.f.3. Open Space:

The proposed use will not be altering any of the existing structures but merely adding exits and stairway as shown on the plans submitted. The proposed use intends to encourage the use of one of the Town's more important open space amenities, namely, the Minuteman Trail, for purposes of accessing the proposed use. The petitioner will remove one section of fence and provide bike racks. A pole will be installed at the bike path entrance to prohibit vehicular access and petitioner will provide a bench. The proposed use gives a new public presence and focus for the Arlington Heights retail area.

Section 11.06.f.4. Circulation:

The proposed use will utilize the current flow of traffic by having all traffic utilizing the existing entrances and exits. Interference with pedestrian traffic will be minimized by allowing ingress and egress of vehicular traffic to and from the facility at the existing two curb cuts, which are familiar to pedestrians. The proposed use will have facilities available to accommodate a minimum of 48 vehicles for parking.

Traffic flow will utilize existing traffic controls and those recommended by the traffic study performed by the petitioner's consultants. Vehicular traffic will be further reduced by that number of patrons utilizing the facility who will access the same by the Minuteman Trail. Vehicular and pedestrian traffic will cross only at curb cuts. All pedestrians will be directed to the front of the building because there will be no pedestrian access into the building directly from the parking areas. See petitioner's traffic study submitted herewith and incorporated herein.

Section 11.06.f.5. Surface Water Drainage:

See site plan filed herewith for drainage flow. The existing topography will not be altered by the proposed use. The existing topography has been sufficient in years past to adequately disperse surface water without adversely affecting adjoining properties. The site utilizes its natural pitch and those drain pipes installed and constructed by the Massachusetts Department of Public Works during the construction of the Minuteman Trail and existing catch basins.

Section 11.06.f.6. Utilities Services:

See Exhibit A attached hereto and incorporated herein by reference. The proposed use will be utilizing existing utility services. Any new utility services installed will be underground pursuant to this section.

Section 11.06.f.7. Advertising Features:

All advertising features will be in accordance with the plans submitted with this application. The building sign may be illuminated with direct lighting from ground level spotlights; there will be no back light of signs or internally illuminated signs. There may be the placement of additional signs at the points of entry to the property of which the facility is a part.

Section 11.06.f.8. Special Features:

The premises will be adequately designed to meet handicap access and use requirements.

Section 11.06.f.9. Safety:

The existing buildings and the proposed internal floor plans have been designed to facilitate building evacuation and accessibility by fire, police and ambulance personnel and equipment. The proposal is in conformity with this standard.

Section 11.06.f.10. Heritage:

There are no historic buildings on or near the site and petitioner believes this standard is not applicable.

Section 11.06.f.11. Microclimate:

There will be no alteration to the existing hard surface ground coverage, and there is no known aquifer or underground water supply on this site. There will be minimal external construction and, as a result, there should be minimal noise and airborne dust. The existing structure will not be altered and, therefore, will not cause any additional wind or shadow on adjacent properties, and there will be no machinery which will adversely affect the immediate environment. All dumpsters will be located as shown on the site plan filed herewith. The dumpster location near the bike path will be screened with adequate fencing.

EXHIBIT A

UTILITIES SERVICING
30 PARK AVENUE
ARLINGTON, MASSACHUSETTS 02174

All presently existing utilities are underground running from Park Avenue. The site is serviced by:

a) Telephone;

b) Gas;

c) Electricity; and

d) 2" Water Line.

The property is tied into a 36" MWRA sewer line located on the property and the building itself is serviced by a 6" waste pipe.

Future utility services, if necessary, will also be located underground.

ARLINGTON REDEVELOPMENT BOARD
TOWN HALL ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

December 3, 2002

NOTIFICATION OF FILING DECISION

Notice is herewith given that acting on the petition of

KESHIAN & REYNOLDS, P.C., ATTORNEY FOR GOLD'S GYM, 30 PARK AVENUE, ARLINGTON, MASSACHUSETTS, (ASSESSOR'S BLOCK PLAN 59, Block A, Lot 12) to amend Special Permit No. 2890 to allow for the addition of 10,000 square feet of floor area to be converted from the former manufacturing use to Health Club use (Health Club Sec. 5.04, Use 4.10) the Arlington Redevelopment Board granted said permits.

The decision was filed with the Town Clerk, Robbins Memorial Town Hall, Arlington, Massachusetts, on December 3, 2002. Appeals, if any, must be filed in accordance with the provisions of Chapter 40A, Section 17, within twenty days of the date of filing.

ARLINGTON REDEVELOPMENT BOARD
ROLAND CHAPUT, CHAIRMAN

Doc. 3189

TOWN CLERK'S OFFICE
ARLINGTON, MA 02174

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ARLINGTON REDEVELOPMENT BOARD

Arlington, Massachusetts

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

DOCKET NO. 3189

REQUEST FOR SPECIAL PERMIT

Subject to

ENVIRONMENTAL DESIGN REVIEW

Petitioner Keshian & Reynolds, P.C. for 30 Park Avenue Associates, LLP (Gold's Gym)

Date of Hearing 12/2/02 (Amendment)

Date of Decision 12/3/02 (Amendment)

Members Present:

Approved	Denied
Roland E. Chapdelaine	
Edward F.M. Tosi	
Barry Loughlin	
Leonard D. Lowenstein	

Town Clerk's Certification

TOWN CLERK'S OFFICE
ARLINGTON, MA 02476

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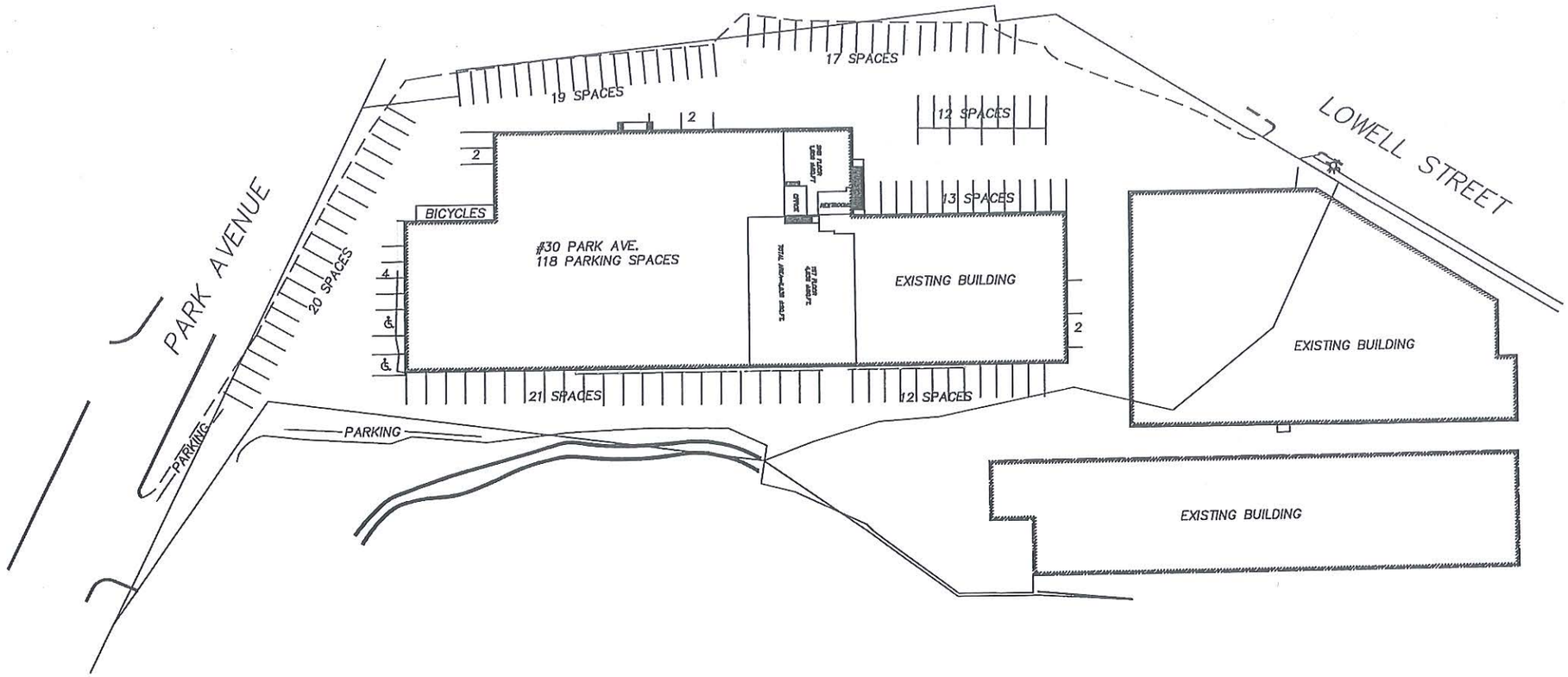
RECEIVED

This is a petition to amend the original decision filed under EDR Docket Number 2890, dated July 27, 1993. In said decision, the Board allowed the petitioner to use approximately 17,500 square feet of industrially zoned property at 30 Park Avenue for a Gold's Gym. The business has operated at the locus for approximately nine years. The petitioner now wishes to add 10,000 square feet of interior space that has recently been vacated. The purpose of the new space will be to allow the petitioner to better utilize cardiovascular equipment which is used by seventy percent of his customers

The petitioner has indicated that there is more than adequate parking on the site, and there will be no changes made to the exterior of the building.

The Board reviewed the existing special permit and concluded that all conditions should remain in effect.

Following a duly posted public hearing convened on November 18, 2002, Docket Number 3189, the Redevelopment Board determined that the changes were minimal and voted unanimously to amend Docket Number 2890 to permit the increase in square footage of 10,000 square feet.


17 SPACES
19 SPACES
12 SPACES
LOWELL STREET
PARK AVENUE
20 SPACES
2
2
BICYCLES
#30 PARK AVE.
118 PARKING SPACES
13 SPACES
EXISTING BUILDING
4
2
EXISTING BUILDING
21 SPACES
12 SPACES
PARKING
PARKING
EXISTING BUILDING

Arlington Coal & Lumber Company

September 29, 2017

Gold's Gym
30 Park Avenue
Arlington, MA 02476

To Whom It May Concern:

This is to confirm our agreement that patrons of Gold's Gym are permitted to park on our property located at 41 Park Avenue nights and week-ends while visiting your facility.

Sincerely,

William F. McNamara

William F. McNamara
Senior Vice President

41 Park Avenue, Arlington, MA 02476 Phone: 781-643-8100 Fax: 781-643-7414
WWW.ARLCOAL.COM



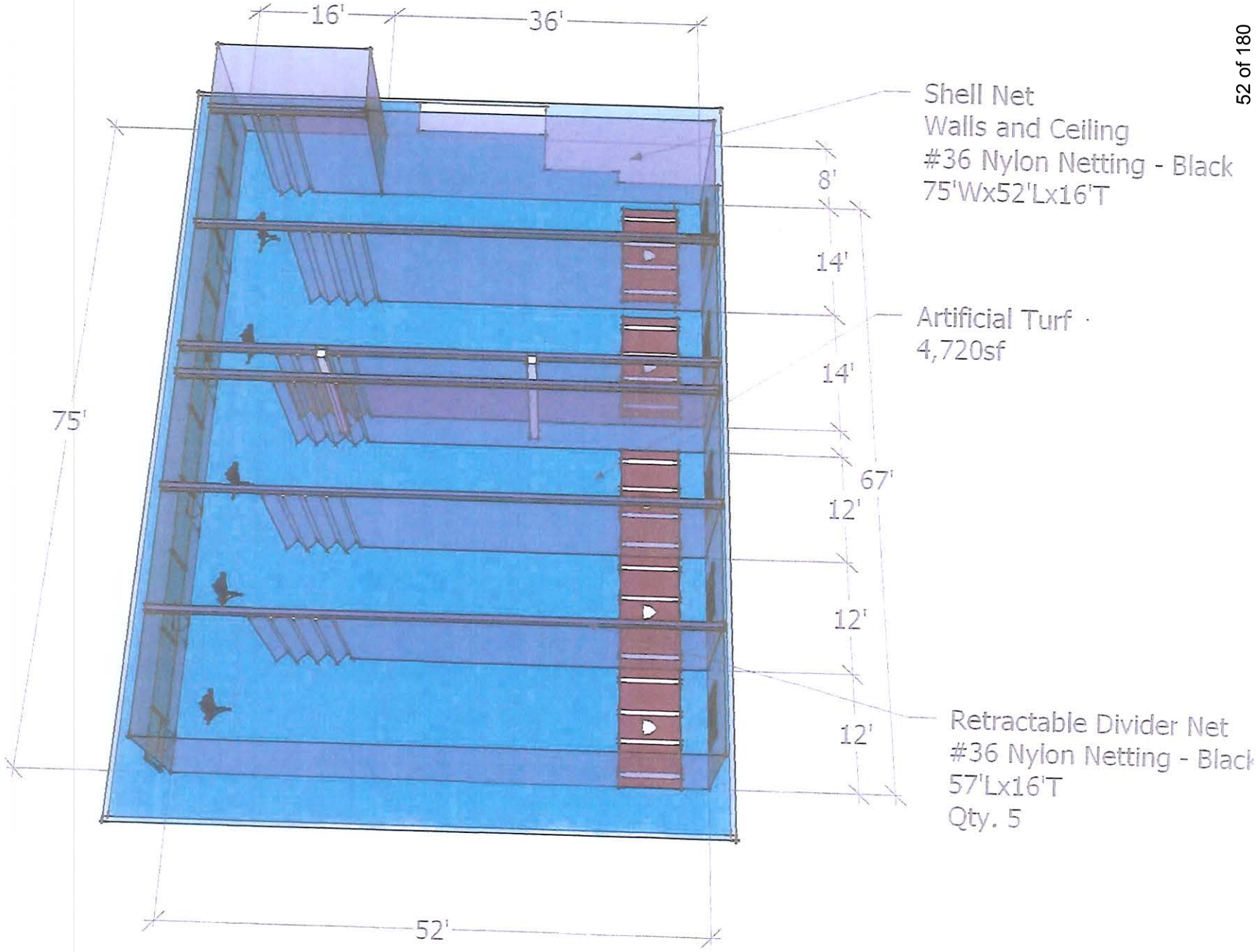



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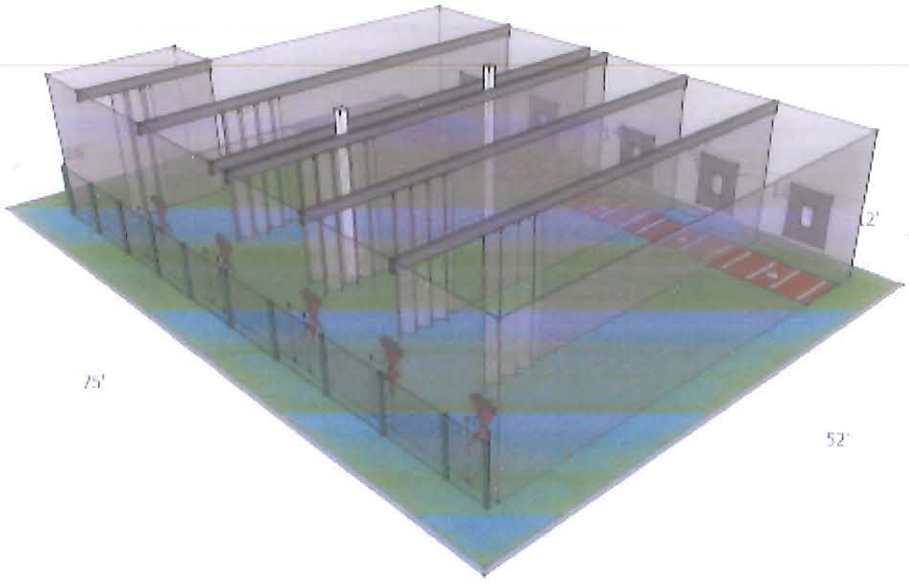
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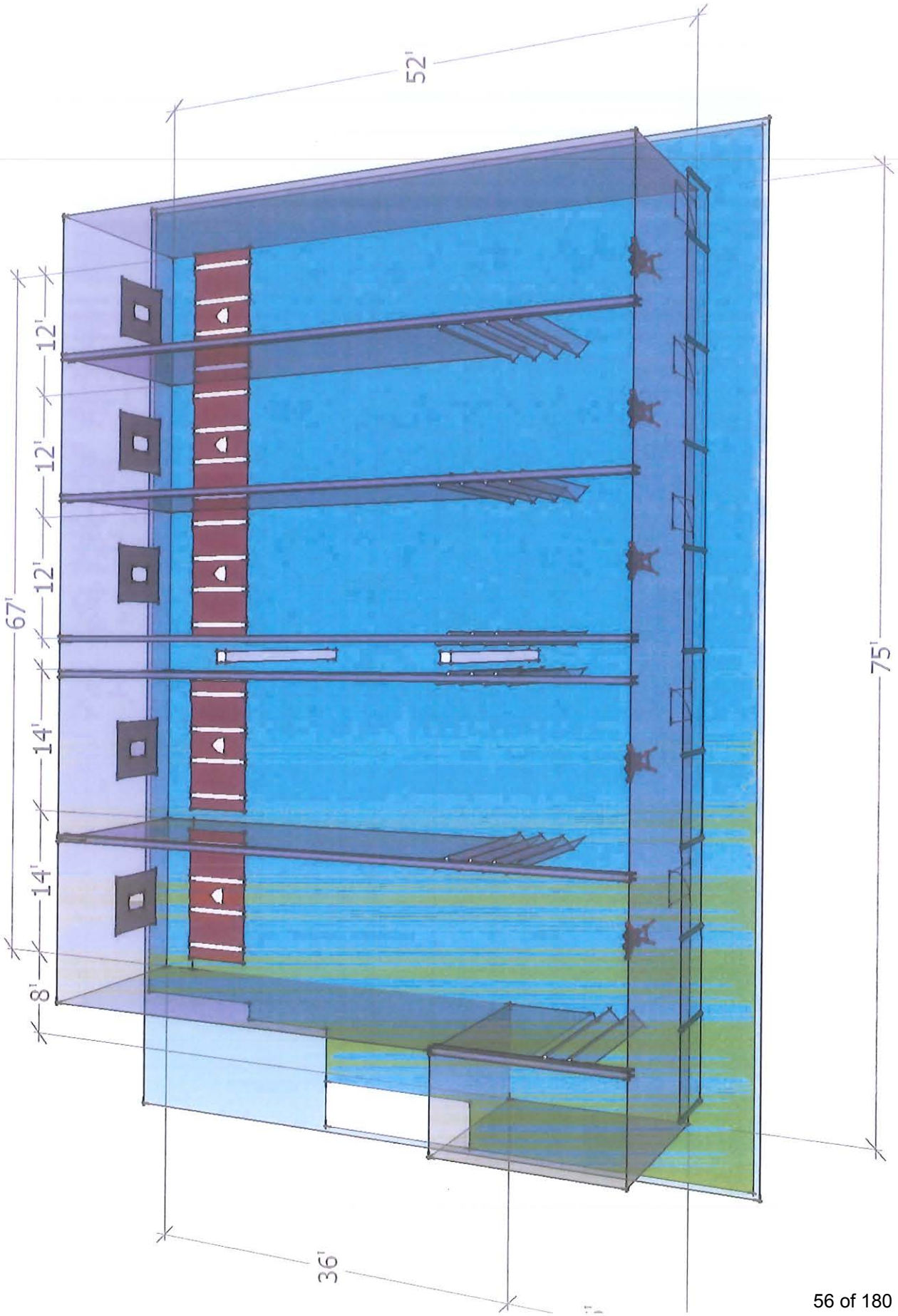
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75'
52'
8'
14'
14'
12'
12'
12'
67'
Shell Net
Walls and Ceiling
#36 Nylon Netting - Black
75'Wx52'Lx16'T
Artificial Turf
4,720sf
Retractable Divider Net
#36 Nylon Netting - Black
57'Lx16'T
Qty. 5

12'
12'
12'
67'
14'
14'
8'
52'
75'
36'
16'

75'
52'
12'


12'
75'
52'


52'
75'
67'
12'
12'
12'
14'
14'
8'
36'

Town of Arlington, Massachusetts
Department of Planning & Community Development
730 Massachusetts Avenue, Arlington, Massachusetts 02476

Public Hearing Memorandum

The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.

To: Arlington Redevelopment Board

From: Jennifer Raitt, Secretary Ex Officio

Subject: EDR, Re-open Docket #2890, 30 Park Avenue

Date: January 8, 2018

I. Docket Summary

This is an application by 30 Park Avenue Associates, LLC. to re-open Special Permit Docket #2890 granted on December 3, 2002 to Davidson Management Company at 30 Park Avenue. This is in accordance with the provisions of MGL Chapter 40A Section 11, and the Town of Arlington Zoning Bylaw Section's 5.04-4.10 Health Club, 801(a) Parking Reduction in an Industrial Zone and 11.06 Environmental Design Review. The request is to allow an expansion of the Health Club use and continuation of the existing Auto Body Repair, Warehouse/Storage and Distribution Warehouse use. According to the proposal, the total square footage of all uses would be 51,400 sq. ft. and divided among the uses as follows: storage (4,000 sq. ft.), auto body (4,000 sq. ft.), warehousing (8,375 sq. ft.), and health club (35,025 sq. ft.).

Materials submitted for consideration of this application:
Application for EDR Special Permit and Impact Statement with supporting documents, including Site Plan, Photographs, Existing Conditions, and Dimensional and Parking Information dated December 4, 2017.

II. Application of Special Permit Criteria (Arlington Zoning Bylaw, Section 10.11)

Section 10.11a-1 The uses requested are listed in the Table of Use Regulations as a Special Permit in the district for which application is made or is so designated elsewhere in this Bylaw.

Since approximately 2008, the space has been used by Gold's Gym as a health and fitness facility. This use appears in the Zoning Bylaw, Section 5.04 Table of Use Regulations as use 4.10 "Enclosed entertainment and recreation facilities including a bowling alley, health club, skating rink or other recreation activity conducted for a profit," and is allowed by Special Permit in the Industrial Zone.

Section 8.01(a) of the Zoning Bylaw allows the requested parking reduction through the granting of a Special Permit. The Board can find that this condition is met.

Section 10.11a-2 The requested use is essential or desirable to the public convenience or welfare.

The health club has operated in this location since 2008. This application will provide additional gym space and add a baseball/ softball training facility. The Board can find that this condition is met.

Section 10.11a-3 The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The impact on traffic congestion and pedestrian safety is unclear: the Applicant's parking reduction strategy and parking plan require additional information in order to satisfy this section. As stated in Section 8.01(a) of the Zoning Bylaw, a Special Permit may be granted to allow a reduction of the parking space requirements to 25%. Consistent with this regulation, the Applicant is requesting that a Special Permit be granted that reduces the required parking from 133 spaces to 122 spaces, as shown in the parking plan. Please note that the total number of parking spaces on the plan is 124 when including the two handicapped spaces. Also, the parking row that is labeled "19 Spaces" actually consists of 18 spaces.

As stated in Section 8.01(a), Transportation Demand Management must be part of the approach to parking reduction. To that end, the Applicant proposes shared parking (8.01a1) and off-site parking (8.01a2). The parking plan should show the exact location of shared and off-site spaces, and should specify which tenants would be using them. The plan should also specify which tenants would be using all other spaces. The plan should also clearly state how many off-site spaces will be provided.

Additional Transportation Demand Management measures are needed beyond shared and off-site parking to create a sound parking reduction strategy: there should be ample bicycle parking and an improved connection to the Minuteman Bikeway. The plan should incorporate these items.

Section 10.11a-4 The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

The health club has operated without overloading any public utilities. Additional utilities will not need to be installed in order to accommodate the added gym space or the training facility. The Board can find that this condition is met.

Section 10.11a-5 Any special regulations for the use, set forth in Article 11 are fulfilled.

Section 10.11a-6 The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

The health club has a positive impact on health. The use does not impair the integrity or character of the district or adjoining districts. The Board can find that this condition is met.

Section 10.11a-7 The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

This use will not be in excess in the neighborhood or be detrimental to the character of Arlington Heights. The Board can find that this condition is met.

III. Application of Environmental Design Review Standards (Arlington Zoning Bylaw, Section 11.06)

The Environmental Design Review standards of Section 11.06 are evaluated below.

1. **EDR-1 Preservation of Landscape**:
 There will be no changes to the landscape as a result of this proposal, which will affect only the interior of the building. The Board can find that this condition is met.

2. **EDR-2 Relation of the Building to the Environment**:
 There will be no changes to the exterior of the building as a result of this proposal, which will affect only the interior of the building. The Board can find that this condition is met.

3. **EDR-3 Open Space**:
 There will be no changes to the open space as a result of this proposal, which will affect only the interior of the building. The Board can find that this condition is met.

4. **EDR-4 Circulation**:
 The Applicant is requesting a parking reduction of 8% or 11 spaces. The Applicant's parking reduction strategy and parking plan must be improved (see Section 10.11a-3 above).

5. **EDR-5 Surface Water Drainage**:
 There will be no changes to the exterior of the building or surface water run-off as a result of this proposal. The Board can find that this condition is met.

6. **EDR-6 Utilities Service**:
 There will be no changes to the utility service as a result of this proposal, which will affect only the interior of the building. The Board can find that this condition is met.

7. **EDR-7 Advertising Features**:
 The Applicant will need to provide detailed signage and lighting information in order to meet this condition.

8. **EDR-8 Special Features**:
 No changes are proposed. The Board can find that this condition is met.

9. **EDR-9 Safety**:
 No changes are proposed. The Board can find that this condition is met.

10. **EDR-10 Heritage**:
 The existing building and property are not located on any local or State historic property listing. The Board can find that this condition is met.

11. **EDR-11 Microclimate**:
 No changes are proposed. The Board can find that this condition is met.

12. **EDR-12 Sustainable Building and Site Design**:
 No changes are proposed. Both the Open Space and Recreation Plan (2015-2022) and the Arlington Master Plan strongly emphasize the importance of Mill Brook, which runs along the periphery of the locus, as a valuable, multifaceted community resource, as well as the need to protect and enhance it. Objective 2-a-6 in the Open Space and Recreation Plan specifically focuses on protection and enhancement: "Protect and enhance the water quality and ecological integrity of Mill Brook as it meanders through Town from the

Reservoir, through many neighborhoods and Meadowbrook Park, and into Lower Mystic Lake." More broadly, Recommendation #1 in the Natural Resources and Open Space chapter of the Arlington Master Plan focuses on creating "a comprehensive plan for the Mill Brook Study Area" and enhancing and improving "it as a resource for the Town."

Considering local planning priorities, it is critical that a buffer be maintained between all site activities and Mill Brook. The Applicant notes that screening will be provided near the bike path, but does not provide details about the screening or exact location of the dumpsters. Consequently, the Applicant should ensure that dumpsters and other trash collection equipment are located away from Mill Brook, and should indicate the location of the buffer on the parking plan.

IV. Conditions[1]

All conditions in the original Special Permit for Docket #2890 continue to apply. The Board maintains continuing jurisdiction over the special permit and may, after a duly advertised public hearing, attach other conditions or modify the conditions of the original special permit as it deems appropriate in order to protect the public interest and welfare.

A. General

1. The final plans and specifications for the site, including all buildings, signs, exterior lighting, exterior materials, and landscaping shall be subject to the approval of the Arlington Redevelopment Board. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.

2. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.

3. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner or occupant and shall be accomplished in accordance with Town Bylaws.

4. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with Article 30 of Town Bylaws. Trash collection equipment should not be located in the immediate vicinity of Mill Brook.

5. The Applicant shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the development.

6. The Applicant shall provide evidence that a plan for drainage and surface water removal has been reviewed and approved by the Town Engineer.

B. Special

1. The parking plan should be updated in the manner specified above in Section 10.11a-3.

2. Transportation Demand Management measures should be undertaken in the manner specified above in Section 10.11a-3.

[1] If the permit is granted, it is recommended that it incorporate these conditions.

3. A buffer should be maintained between all site activities and Mill Brook, and should be indicated on the parking plan.

4. All utilities serving or traversing the site (including electric, telephone, cable, and other such lines and equipment) shall be underground.

5. Upon installation of landscaping materials and other site improvements, the Applicant shall remain responsible for such materials and improvement and shall replace and repair as necessary to remain in compliance with the approved site plan.

6. Upon the issuance of the building permit the Applicant shall file with the Building Inspector and the Arlington Police Department the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.

ARLINGTON BABE RUTH BASEBALL

January 1, 2018

Re: Route 2 Baseball

To whom it may concern:

Arlington Babe Ruth baseball offers Arlington players the opportunity to learn and play the game of baseball.

In the past, we have partnered with outside organizations to help with some of the training of the players. Our partners are carefully evaluated to ensure that they meet our strict expectations.

Last year, we had a great experience with an organization based out of Waltham.

In thinking what was best for the Arlington players, we selected Route 2 Baseball to be our partner, not only because their fantastic reputation, but for the fact that they were going to be located in Arlington.

Chris Aufiero has a great philosophy of working with all levels of players to make them feel comfortable with their learning. We are excited with our new partner and residents of Arlington should be pleased to have another organization working for the betterment of their children.

Please let me know, if you need any additional input from Arlington Babe Ruth.

Al Ticehurst / VP Arlington Babe Ruth
781-281-2154

Dear Arlington Redevelopment Board Members,

I am writing this letter of support for Chris Aufiero and Marc Antetomaso from Route 2 Athletics. Over the past two summers my son has worked with these coaches to help develop his baseball skills and has enjoyed every moment. Their knowledge of the game, ability to communicate, and develop skills have helped a number of Arlington athletes who were looking elevate their game.

More than baseball these coaches have taught valuable life lessons to these young men that can easily translate to other sports and everyday life. In an era where sports specialization has stunted so many young athletes these coaches understand that multi sport athletes thrive when given opportunity.
In an era of many baseball options, as a father of a multi sport athlete, I am proud of my choice to have chosen Route 2 Athletics to further develop my son's baseball skill and the opportunities that Chris and Marc have presented.

In a town that is rich in athletic tradition and success, the addition of Route 2 Athletics in my opinion is a perfect fit.

Warmest regards,

Scott Jones
Overlook Road
1983 Ostergren Award Winner

Richard H. Flynn
31 Windmill Lane
Arlington, MA 02474
781 844-1224

January 4, 2018

Town of Arlington Redevelopment Board
Town Hall Annex
730 Massachusetts Avenue
Arlington, MA 02476

To whom it may concern:

It is with much enthusiasm that I am writing on behalf of Route 2 Athletics and their request to conduct business at the 30 Park Avenue location in Arlington. I have been using Route 2 Baseball and their staff for several years to provide high quality instruction for the youth teams that I coach.

Historically, Arlington has been blessed to have many outstanding baseball and softball players. As with any sport, to develop the skills necessary to succeed requires commitment, proper instruction, hard work and the facilities/fields to practice and play. In the past Arlington baseball and softball players looking for an indoor training facility would travel to Medford, Woburn or Watertown. We now have the opportunity to offer a state of the art facility in Arlington. I would recommend that the Redevelopment Board approves Route 2 Athletics request to conduct business in our community.

For your information, I am a lifelong resident of Arlington and have been coaching youth baseball and/or softball for the past twelve years. I am a board member and coach with the Arlington Youth Baseball and Softball Association and currently manage/coach a 14U Select Baseball Team within the Arlington Babe Ruth organization.

I believe Route 2 Athletics would be a fantastic addition to our community. If you should have any questions please feel free to contact me at (781) 844-1224 or via email at rflynn@town.arlington.ma.us

Sincerely,



Richard H. Flynn

January 3, 2018

Arlington Redevelopment Board
730 Massachusetts Ave.
Arlington, MA 02476

RE: Route 2 Athletics
Owners: Chris Aufiero, Marc Antetomaso

Dear Board Members,

I am writing this letter on behalf of Chris Aufiero and Marc Antetomaso, owners of Route 2 Athletics and coaches of the Route 2 Baseball Club. Both of these gentlemen have been coaching my son Caden FitzPatrick for the past 3 years and I have had the opportunity to assist the team as a scorekeeper during games.

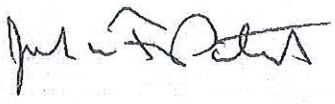
I have found both of these instructor's fund of knowledge outstanding and their commitment to quality work extraordinary. As baseball coaches, Chris and Marc have helped my son develop and grow as a baseball player and Caden looks forward to continue to play on the Route 2 Baseball teams for the next few years. They are excellent mentors who are compassionate and caring with a high sense of purpose, dedication and commitment.

As an Arlington resident for the past 10 years, I feel having the Route 2 Athletics Facility in Arlington will have a positive impact on our community. Arlington has always had a strong baseball town program but lacked the private instruction and development programs that our children are looking for. In the past parents and players had to go great distances to other out of town facilities and programs for offseason practice and instruction. This new facility fills a great need for Arlington baseball and surrounding communities.

Chris and Marc have been a personal and professional pleasure to work closely with over the past three years. Without reservation, I give Coach Aufiero and Coach Antetomaso my highest recommendation and full support for this New Arlington Baseball Facility.

Please feel free to contact me should you have any questions regarding this matter.

Sincerely,



Joseph FitzPatrick

179 Brattle St.
Arlington, MA 02474
(781) 648-4186

Public Hearing-Special Town Meeting ARTICLE 1 ZONING BYLAW AMENDMENT/RECODIFICATION

Summary:

8:00-9:50p.m.

To see if the Town will vote to recodify, and therefore amend the Zoning Bylaw to make the Bylaw easier for users to navigate, simplify and update its language, and provide a better structure for predictability and flexibility in both the interests of current use and future adaptability, by:

1. Re-organizing, re-positioning, re-captioning and re-numbering portions of the Zoning Bylaw to enhance accessibility and adaptability;
2. updating and clarifying the purpose and authority of the Zoning Bylaw to clearly state the Town's legal and factual premises for zoning regulations;
3. improving definitions to more clearly describe zoning districts, uses, and requirements;
4. providing greater consistency with present State law;
5. eliminating redundant or unnecessary provisions; making amendments such as correcting spelling and typographical errors, and eliminating or updating outdated statutory references;
6. revising, re-organizing and clarifying Zoning Bylaw administrative provisions; and
7. making other amendments for clarification and consistency;

and by taking the following actions:

1. Deleting in their entirety the following provisions and all their subparts of the existing Zoning Bylaw:

Article 1: Title, Authority, and Purpose;
Article 2: Definitions;
Article 3: Establishment of Districts;
Article 4: Interpretation and Application;
Article 5: Use Regulation;
Article 6: Dimensional and Density Regulations;
Article 7: Signs
Article 8: Off-Street Parking and Loading Regulations;
Article 9: Nonconforming Uses, Structures, and Lots:
Article 10: Administration and Enforcement;
Article 11: Special Regulations;
Article 12: Amendment, Validity, and Effective Date; and

2. Substituting the following provisions and their subparts in the document entitled "Proposed Amended Zoning Bylaw, dated December 14, 2017" on file in the office of the Town Clerk and the Department of Planning and Community Development:

- A brief introductory presentation will be provided.
 Board members and members of the public will be provided time to ask questions and comment.
- Board members may ask additional questions and/ or vote.

- Section 1 Purpose and Authority;
- Section 2 Definitions;
- Section 3 Administration and Enforcement;
- Section4 Establishment of Districts;
- Section 5 District Regulations;
- Section 6 Site Development Standards;
- Section 7 Special Permits;
- Section 8 Special Regulations;

3. And by taking any action related thereto. (Inserted at the request of the Arlington Redevelopment Board)

ATTACHMENTS:

	Type	File Name	Description
	Reference Material	Hearing_Draft_12-14-17_for_ARB_Public_Hearing_FINAL.pdf	December 14, 2017 Hearing Draft

TOWN OF ARLINGTON

MASSACHUSETTS 02476
781 - 316 – 3090

DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

HEARING DRAFT

PROPOSED REVISION OF THE ARLINGTON ZONING BYLAW

December 14, 2017

DRAFT

HEARING DRAFT
December 14, 2017

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SECTION 1. PURPOSE AND AUTHORITY

1.1 TITLE

This Bylaw shall be known and may be cited as the "Zoning Bylaw of the Town of Arlington, Massachusetts," hereinafter referred to as "this Bylaw."

1.2 PURPOSES

The purpose of this Bylaw is to promote health, safety, convenience, morals and welfare of the inhabitants of the Town of Arlington; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to encourage housing for persons at all income levels; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to protect and preserve open space as a natural resource, for the conservation of natural conditions for flora and fauna and to serve as urban amenity for scenic and aesthetic enjoyment and recreational use; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the Town; to achieve optimum environmental quality through review and cooperation by the use of incentives, bonuses and design review; and to preserve and increase its amenities and to encourage an orderly expansion of the tax base by utilization, development, and redevelopment of land. It is made with reasonable consideration to the character of the district and to its peculiar suitability for particular uses, with a view to giving direction or effect to land development policies and proposals of the Redevelopment Board, including the making of Arlington a more viable and more pleasing place to live, work, and play.

1.3 AUTHORITY

This Bylaw is enacted under the authority of Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts and in accordance with G.L. c 40A, as amended.

1.4 APPLICABILITY

All buildings or structures erected, constructed, reconstructed, altered, enlarged, or modified, and the use of all premises in the Town, after the effective date of this Bylaw shall conform with the provisions of this Bylaw. No building, structure, or land shall be used for any purpose or in any manner other than as expressly permitted within the district in which it is located. Where this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Bylaw shall control.

1.5 AMENDMENT

This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided for in G.L. c. 40A, Section 5. When a petition for a change in the zoning map is filed, such petition shall show that copies of the petition have been sent by registered or certified mail to all abutters of the land referred to in the petition.

1.6 SEVERABILITY

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein.

SECTION 2. DEFINITIONS

In this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word “and” includes “or” unless the contrary is evident from the text. The word “includes” or “including” shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory.

Terms and words not defined herein but defined in the State Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary.

Abandonment: The cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue a use of a structure or lot; or the removal of the characteristic equipment or furnishing used in the performance of the use, without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.

Accessory Use: A use that is incidental and subordinate to, and customarily associated with, that of the primary structure or use of land and that is located on the same lot and under the same ownership.

Adult Day Care: A facility providing non-residential social, supportive, or health services, dementia services, or any combination thereof, to the elderly and people of any age with disabilities, licensed if applicable by the Massachusetts Department of Public Health.

Adult Uses: All uses as described and defined in Massachusetts General Laws Chapter 40A, Section 9A, as amended.

Definitions Associated with Affordable Housing

Affordable Units: Rental Units priced such that the rent (including utilities) shall not exceed 30% of the income of a household at 60% of median income; or, for homeownership units, priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household at 70% of median income.

Area Median Income: The median family income for the metropolitan statistical region that includes the Town of Arlington, as defined by the U.S. Department of Housing and Urban Development (HUD).

Eligible Household: For ownership units, a household whose total income does not exceed 80% of Area Median Income, adjusted for household size. For rental units, a household whose total income does not exceed 70% of Area Median Income, adjusted for household size.

Fair Market Rent: An amount determined by the U.S. Department of Housing and Urban Development and used by the Arlington Housing Authority to determine the maximum rental payment to be paid to an owner under the Section 8 program, adjusted for unit size and with an allowance for utility costs.

Alteration: Any construction, reconstruction, or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use, or location of a building or other structure.

Arlington Redevelopment Board: The Arlington Redevelopment Board ("ARB") which was vested with the rights and powers of a planning board by the Massachusetts General Court in Chapter 783 of the Acts of 1971.

Artisanal Fabrication: Production of goods using hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

Artistic/Creative Production: Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content and applications; or the invention, design, prototyping, or fabrication, assembly, and packaging of parts for further assembly or consumer goods for sale.

Assisted Living Residence: A residential development subject to certification under G.L. Chapter 19D, which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third-party reimbursement from or on behalf of residents to pay for the provision of assistance.

Athletic Facility, Indoor: A facility comprised of one or more buildings or structures, with or without seating for spectators, providing accommodations for a variety of individual, organized, or franchised sports, such as but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. The facility may also provide health and fitness club facilities, swimming pool, snack bar, retail sales of related sports, health or fitness items, and other support facilities.

Attic: An unfinished, non-habitable space immediately below the roof of a building, typically used for storage or mechanical equipment.

Definitions Associated with Auto Uses

Auto Body Shop: A facility providing major automobile repair services such as repair, rebuilding, and reconditioning of engines or automobiles, or collision services for automobiles, such as body, frame, or fender straightening and repair, or overall painting of automobiles.

Auto Repair Shop: A facility for the general repair of automobiles, motorcycles or noncommercial trucks, including rebuilding, or reconditioning of engines, and the sale, installation, and servicing of equipment and parts.

Auto Service Station: A building, structure or land use primarily for the dispensing or sale of automotive fuels, oils or accessories, including lubrication or automobiles and replacement or installation of parts and accessories.

Awning: A roof-like covering stretched upon a frame that is affixed to a building and used above or before any place as a shelter from rain or sun.

Basement: A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building.

Bed and Breakfast: A dwelling with a resident owner or manager in which lodging units are rented and breakfast is served to the people occupying the lodging units.

Definitions Associated with Building

Building: A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building, Accessory: A building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building or an adjacent lot in the same ownership.

Building Area: The aggregate of the maximum horizontal cross-sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, bay windows, balconies, and terraces.

Building, Attached: A building having any portion of one or more walls in common with adjoining buildings.

Building Coverage: The building area expressed as a percentage of the total lot area.

Building, Detached: A building with no structural connection to another building.

Building, Front Building Line: A line drawn parallel to the front boundary of a lot along the front face of a building or through the point on a building closest to the front boundary.

Building Height: The vertical distance of the highest point of the roof above the average grade of the curb line abutting the property. Refer to Sections 5.3.19 and 5.4.2.B(5) for detailed exceptions.

Building, Nonconforming: A building, lawfully existing at the time of adoption of this Bylaw, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located. (See also, Nonconformance.)

Building, Setback Line: The line beyond which a building shall not extend, except as specifically provided by this Bylaw.

Building Step Back: Upper story building setback provided along all building elevations with street frontage, excluding alleys.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Carport: A roofed structure, unenclosed on two or more sides, which may serve as a shelter for motor vehicles.

Catering Service: Facility for the provision of prepared food for delivery and presentation to an off-premises location. Services may include provision of associated service staff and equipment.

Cellar: A portion of a building, partly or entirely below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building.

Certificate of Occupancy: A statement under the State Building Code signed by the Inspector of Buildings, setting forth either that a building or structure complies with the Zoning Bylaw or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

Child Care Center: A facility operated on a regular basis by an entity licensed by the Massachusetts Department of Early Education and Care under G.L c. 15D, § 1A, which may be known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, pre-school, or known under any other similar name, which receives children not of common parentage under seven years of age, or under 16 years of age if they are children with special needs, for nonresidential custody and care during part or all of the day, separate from their parent(s).

Commercial Vehicle: Any truck, including but not limited to step vans and cube vans, or bus, or a registered motor vehicle including but not limited to passenger car, pickup truck, or passenger van on which is affixed any writing or logo to designate the business or professional affiliation of said vehicle, or where tools of said business or professional affiliation are visibly stored on the exterior of the vehicle, or a recreational vehicle used in conjunction with a business. A pickup truck not used for commercial purposes and on which there is no writing or logo to designate a business or professional

affiliation and which does not have tools visible on the outside shall not be considered a commercial vehicle for purposes of the bylaw.

Common Land: A parcel or parcels of outdoor space in a Planned Unit Development, maintained and preserved for outdoor uses, and designed and intended for the use or enjoyment of residents of the planned unit development, but not including parking areas or ways, public or private. Common land may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit development including walks, patios, benches, playground facilities, and terraced areas.

Conservation Land: A tract or patch of land reserved for the protection, development and promotion of natural resources and for the protection of watershed resources, as well as for use as open space or for passive outdoor recreation.

Consumer Service Establishment: Business such as lawnmower or bicycle repair, upholsterer, small tool and equipment rental, or small appliance repair.

Definitions Associated with Court

Court: An open, uncovered unoccupied space partially or wholly surrounded by the walls of a structure.

Court, Inner: A court surrounded on all sides by the exterior walls of a structure.

Court, Outer: A court having at least one side thereof opening onto a street, alley or yard or other permanent open space.

Deck: A roofless outdoor space built as an above-ground platform projecting from the wall of a building and connected by structural supports at grade or adjacent to the building structure.

District: A zoning district as established by Section 4 of this Bylaw.

Driveway: An area on a lot, not more than 20 feet wide, built for access to a garage or an off-street parking or loading space.

Definitions Associated with Dwelling

Apartment Building: A multi-family building designed or intended or used as the home or residence of four or more households, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Dormitory: A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semi-permanent occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.

Dwelling: A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms

"single-family," "two-family," “duplex”, “three-family” or "multi-family" dwelling, or single-room occupancy building, shall not include hotel/motel, bed and breakfast, hospital, membership club, or mobile home.

Dwelling Unit: A separated portion of a building containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one household.

Duplex Dwelling: A building containing two dwelling units joined side by side or front to back, sharing a common wall for all or substantially all of its height and depth; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex shall be considered as one principal building occupying one lot for the purposes of determining yard requirements.

Multi-family Dwelling: A building containing 4 or more dwelling units.

Single-Family Dwelling. A house containing only one dwelling unit.

Single-Room Occupancy Building: A building with four or more rooms for occupancy by individuals not living as a single housekeeping unit, with shared cooking and living facilities and which may have individual or shared sanitation facilities. The term “single-room occupancy building” shall not include apartment buildings, hotels, nursing homes, dormitories, or assisted living residences

Three-Family Dwelling: A building containing three dwelling units.

Townhouse Structure: A row of at least three single-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire separation wall or walls, and where each unit has its own at-grade access.

Two-Family Dwelling: A building containing two dwelling units, in which part of one dwelling unit is over part of the other dwelling unit.

Enclosed Entrance (or Vestibule): Anteroom, mudroom, or small foyer or lobby leading into a dwelling unit or leading into a larger space in a nonresidential building such as an entrance hall or interior common area.

Erected: The word erected shall include the words attached, built, constructed, reconstructed, altered, enlarged, and moved.

Essential Services: Services provided by a public utility or governmental agency through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems, whether underground or overhead. Facilities necessary for providing essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories, but excluding buildings necessary for the furnishing of adequate service by the public utility or governmental agency for the public health, safety, or general welfare.

Family or Household: An individual or two or more persons related within the second degree of kinship, or by marriage or adoption living together as a single housekeeping unit and including necessary domestic help such as nurses or servants and further

including not more than three lodgers or roomers taken for hire. A group of individuals not related by blood or marriage, but living together as a single housekeeping unit, may constitute a household.

Farm (or Agriculture): As defined in G.L. c. 128, § 1A.

Flood Map: A map prepared by the Federal Emergency Management Administration (FEMA) designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance components of the National Flood Insurance Program.

Floodway: The limits of flooding from a particular body of water caused by a storm whose frequency or occurrence is once in a given number of years, as determined by FEMA or a licensed professional acceptable to the Conservation Commission.

Floor Area Ratio: The ratio of the gross floor area to the total area of the lot.

Frontage: The front part of a building or lot abutting on a public or private way approved by the Town. Frontage shall be measured in a continuous line along the front lot line between the points at the intersections of the side lot lines with the front lot line.

Funeral Home: A building used for preparing the deceased for burial and arranging and managing funerals. A funeral home may include a funeral chapel.

Garage, Private: Any building or portion of a building, accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing, or repair of such vehicles is carried on.

Garage, Public: Any building used for the keeping of motor vehicles in which a business dealing with the storage of such vehicles is maintained either for profit or public service. Such business shall not involve the repair or servicing of any motor vehicles.

Gross Floor Area: The sum of the horizontal areas of the several stories of a building or buildings on a lot, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Refer to Section 5.3 for formula.

Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and does not exceed 20 feet in height.

Group Home: A dwelling, owned or leased by a state agency or a non-profit organization on behalf of a state agency, operated as a supervised residence for adults with severe disabilities, which may include educational, social, health care, and other supportive services.

Health Club: An establishment, operated for profit, providing space or facilities for physical exercise or for participating in sports activity.

Home Occupation: An accessory use which is carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use which does not include retail sale of merchandise on the premises nor alter the residential character of the lot or building.

Hospital: An institution licensed by the Commonwealth of Massachusetts and certified by the American Hospital Association as an accredited hospital providing health services for in-patient and/or out-patient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, out-patient departments, central staff service facilities, and staff offices which are an integral part of the institution.

Hospital, Veterinary: A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

Hotel/Motel: A building in which lodging is offered for compensation, with or without associated amenities.

Inspector of Buildings: Inspector of Buildings ("Building Inspector"), Arlington, Massachusetts.

Junk: Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.

Junk Yard: The use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of any lot that joins any street, for the storage, keeping or abandonment of junk.

Loading Space: An off-street space used exclusively for loading and unloading of goods and materials from one vehicle.

Definitions Associated with Lot

Lot: An area or parcel of land or any part thereof, not including water area, in common ownership; designated on a plan filed with the Inspector of Buildings by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting streets or ways, the interior angle or intersection of street lot lines or, in the case of a curved street, extended lot lines, being not more than 135 degrees.

Lot, Interior: A lot, the side lines of which do not abut on a street.

Lot, Nonconforming: A lot lawfully existing at the effective date of this Bylaw, or any subsequent amendment thereto, which is not in accordance with all provisions of this Bylaw. (See also Nonconformance)

Lot, Through: A lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.

Lot Line, Front: The property line dividing a lot from a street right-of-way. For purposes of this definition, neither the Minuteman Bikeway nor any railroad right-of-way shall be deemed to be a street right-of-way.

Lot Line, Rear: Any lot line which is parallel to or within 45 degrees of being parallel to a front lot line, except for a lot line that is itself a front lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not front lot lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Manufacturing, Light: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging products, and incidental storage, sales, and distribution of the same, but excluding basic industrial processing, custom manufacturing, or artisanal fabrication.

Marquee: A rigid surface canopy structure projecting from a building over an exterior entrance thereto and used as a shelter from rain or sun.

Medical Marijuana Treatment Center: A not-for-profit establishment registered with the Commonwealth, also known as a "registered marijuana dispensary" (RMD) that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, offers for sale, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes.

Membership Club: A social, sports, or fraternal association or organization which is used exclusively by members and their guests.

Mixed Use: A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.

Nonconformance: A condition that occurs when a lot, structure, building, sign, development, or land use that legally existed before the effective date of this Bylaw or any amendments to it does not conform to one or more of the regulations that currently applies to the district in which the lot, structure, building, sign, development, or use is located.

Definitions Associated with Office

Office, Business or Professional: A building or portion of a building used to provide services to customers or clientele, such as an insurance agency or a real estate office, or a service that involves some specialized skill or knowledge typically obtained through advanced education and training, such as an attorney or architect. The term "Office,

business or professional" shall not include medical offices for a physician, dentist, or other health care professionals. (See "Office, Medical or Clinic".)

Office, Medical or Clinic: A building or portion of a building containing offices and facilities for providing medical, dental, psychiatric, and related health care services for outpatients only. "Office, Medical or Clinic" shall not include a hospital.

Definitions Associated with Open Space

Open Space: A yard including sidewalks, swimming pools, terraced areas, decks, play courts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

Open Space, Landscaped: Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.

Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet.

Outdoor Storage Area: A space outside of a building which is used to keep merchandise for use, goods to be processed, or machinery for use.

Owner: The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

Parking, Accessory: Parking developed to serve the residents, occupants, employees, patrons, or other users of a building or use, or developed to meet requirements specified in Section 6.

Penthouse: An enclosed structure above the roof of a building, other than a roof structure, extending not more than 12 feet above the roof and occupying not more than 33.3% of the roof area.

Personal Service Establishment: Retail establishments primarily engaged in providing individual services generally related to personal needs such as but not limited to a

barber shop, hair salon, nail salon, drop-off/pick-up dry cleaning business or self-serve laundry, tailor, or shoe repair shop.

Phased Development: A development on one lot, or two or more adjoining lots in common ownership or common control for which special permits or building permits are sought within a period of two years from the first date of application for any special or building permits for the development.

Planned Unit Development: A development under unified control designed and planned to be constructed in a single operation or by a series of scheduled construction phases according to a special permit and an approved site development plan to accommodate one or more land uses.

Porch: A covered area projecting from and structurally connected to a building.

Recreational Trailer or Vehicle: A vehicular, portable unit designed for travel, camping, or recreational use, including but not limited to the following:

a. Travel Trailer: A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed 4,500 pounds, or being of any weight provided its overall length does not exceed 28 feet.

b. Pick-Up Camper: A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.

c. Motorized Camper: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

d. Tent Trailer: A folding structure, constructed of canvas, plastic or similar water repellant material, designed to be mounted on wheels to be used as a temporary dwelling.

e. Boat Trailer: A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.

Repair: With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use, or location of a structure.

Research and Development: An establishment used primarily for research, development, or testing of innovative information, concepts, methods, processes, materials, or products. This can include but not be limited to renewable or alternative energy research and development activities including the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

Definitions Associated with Restaurants

Restaurant: An establishment where the principal activity is the service or sale of food or drink for on-premises consumption.

Restaurant, Drive-In Food Service: A fast-order food service establishment that provides convenient vehicular access and may provide service to customers while in their vehicles, and any fast-order food establishment which provides a greater number of parking spaces than is required by this Bylaw.

Restaurant, Fast-Order Food: An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Right-of-Way: The line determining the public limit or ownership on a street or highway.

Setback: The shortest horizontal distance from the front lot line to the nearest building wall or building part not specifically excluded in Section 5.

Shared Vehicle: A passenger vehicle, not to exceed 5,000 pounds gross vehicle weight rating, owned by a membership based entity which makes the vehicles available for rent by the hour or day to its members. Shared vehicles are parked at locations remote from the owner entity. Shared vehicles shall not display advertising other than accessory signage which shall not exceed four square feet in total.

Shed: A small accessory structure used for the storage of tools or equipment.

Definitions Associated with Signs

Sign: Any structure, device, letter, word, model, insignia, trade flag, streamer, display, emblem, or representation used as, or which is in the nature of, an advertisement, announcement, or direction, including illuminated signs within a window. Awnings, marquees, canopies, clocks, thermometers, and calendars shall be subject to the provisions of Section 6.2.

Sign, Accessory: Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises, the business transacted on the premises, and directional or parking instructions, or the sale or letting of the premises or any part thereof.

Sign Area, Area of a Sign, Signage: The entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. Sign area of a standing or pole sign is the entire area of one side of such sign such that two faces which are back to back are counted only once for the purposes of standing or pole sign area.

Sign, Awning: A sign applied directly to or incorporated as part of an awning.

Sign, Bracket: A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind.

Sign Canopy: Roof-like covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way, and carried by a frame supported upon the ground or sidewalk.

Sign, Facing or Face: The surface of a sign board, background area, and structural trim upon, against or through which a message is displayed or illustrated on the sign.

Sign, Freestanding: A sign not a part of or attached to any building but generally located elsewhere on a lot.

Sign, Ground: A free-standing sign located on or close to the ground, the top of which shall not be higher than 4 feet above the ground.

Sign, Permanent: Any sign as defined above, intended to be erected and maintained for more than 60 days.

Sign, Portable: A free-standing sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailered signs but excluding signs affixed to or painted on a vehicle.

Sign, Projecting: Any sign which is attached to a building or other structure and any part of which projects more than 12 inches from the wall surface of that portion of the building or structure in front of which the sign is positioned

Sign, Roof: Any sign erected, constructed and maintained upon or over the roof of any building.

Sign, Standing or Pole: A free-standing sign not exceeding 15 feet in height with 8 feet of clearance under the sign area and erected upon supporting devices or stands.

Sign, Temporary: Any sign, including its supporting structure intended to be maintained for a continuous period not to exceed 60 days.

Sign, Wall: A sign not exceeding 4 feet in height securely affixed to a wall projecting no more than 12 inches from and parallel to the face of such wall, not projecting beyond the building face fronting on a street or parking lot nor above the highest line of the building to which it is attached. A wall sign shall be no higher than the lowest of the following: 25 feet above grade; (b) the bottom of the sills of the first level of windows above the first story; or (c) the cornice line of the building at the building line. If attached to a parapet, a sign shall not exceed the height of the parapet.

Sign, Primary Wall: A sign on the building face fronting on a street or parking lot frontage.

Sign, Secondary Wall: A sign located on any building face fronting on a street or parking lot frontage other than that of the primary wall sign. The cumulative area of all secondary wall signs shall not exceed 50% of the maximum possible area of the primary wall sign.

Signs, Window: Signs intended to be viewed from the exterior that are painted or posted on an interior transparent or translucent surface including windows and doors, or interior to and within 12 inches of such a surface. The area of a window sign shall not exceed 25% of the area visible from the exterior of the building.

Notice: Temporary signs erected by a person, a town committee, student organization or non-profit organization for the purpose of advertising an individual yard sale, non-commercial public event, or lost pet.

Special Permit: A use of a structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and the approval of the Zoning Board of Appeals or Arlington Redevelopment Board, as applicable, and in accordance with provisions of Section 3 of this Bylaw.

Special Permit Granting Authority: The Zoning Board of Appeals, or in the case of a special permit which qualifies for Environmental Design Review under Section 3 of this Bylaw, the Arlington Redevelopment Board.

Story: The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed a story when its ceiling is 4 feet 6 inches or more above the finished grade. A cellar shall not be deemed a story. An attic shall not be deemed a story if unfinished and not used for human occupancy.

Story, Half: A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area measured from the underside of the roof framing to the finished floor below has a clear height of 7 feet 3 inches or more.

Street: A public or private way which is 27 feet or more in right-of-way width, accepted or devoted to public use by legal mapping or by any other lawful procedure. It shall be synonymous with the word road, avenue, highway, and parkway, and other similar designations.

Structure: A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, wireless communications facility, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelter, pier, bin, fence, sign, shed, or the like.

Tract: A unit or contiguous units of land under single ownership or control.

Trailer: Any vehicle which is immediately portable, and is arranged, intended, designed, or used for sleeping, eating, or business, or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately portable or no longer immediately portable because its wheels have been removed or skirts have been attached, shall not be considered a building in this Bylaw.

Definitions Associated with Use

Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied, or maintained.

Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.

Use, Nonconforming: A use lawfully existing at the time of adoption of this Bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this Bylaw. (See also, Nonconformance.)

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied, or maintained under this Bylaw.

Use, Substantially Different: A use which because of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment, or similar characteristics from the use to which it is being compared.

Variance: A departure from the terms of this Bylaw as the Board of Appeals may authorize under this Bylaw and G.L. c. 40A, § 10.

Wireless Communications Facility: An assemblage of equipment intended to receive and/or transmit radio waves for providing wireless communications consisting of, but not limited to, antennas and mounting brackets, antenna support structures, electrical equipment in cabinets or enclosed shelters or in other enclosed space, co-axial cables and back-up power equipment or generators.

Definitions Associated with Yard

Yard: An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building. The size of a required yard shall be measured as the shortest distance between the line of the building wall (or building part not specifically excluded under this Bylaw) and a lot line. Structures that are below the finished lot grade shall not be deemed to occupy required yards.

Yard, Front: A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

Yard, Rear: A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest building wall and the rear lot line.

Yard, Side: A yard unoccupied, except by an accessory structure or use as herein permitted, between the line of the building wall and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

Zoning Board of Appeals: The Zoning Board of Appeals of the Town of Arlington, Massachusetts (“Board of Appeals” or “ZBA”).

SECTION 3. ADMINISTRATION AND ENFORCEMENT

3.1 BUILDING INSPECTOR; ENFORCEMENT

A. The Building Inspector appointed under the provisions of G.L. c. 143 is hereby designated and authorized as the officer charged with the interpretation and enforcement of this Bylaw.

B. No person shall erect, construct, reconstruct, convert, or alter a structure, or change the use, increase the intensity of use, or extend or displace the use of any structure or lot without applying for and receiving the required permit(s) from the Building Inspector.

C. No premises and no building erected, altered, or in any way changed as to construction or use under a permit or otherwise, shall be occupied or used without a certificate of occupancy issued by the Building Inspector. No certificate of occupancy shall be issued until the premises, structure, and its uses and accessory uses comply in all respects with this Bylaw. If applicable, a site plan certificate of completion shall be issued.

3.1.2. **Enforcement.**

A. Any person may file a written request to the Building Inspector for enforcement of this Bylaw with reference to an alleged violation, as provided in G.L. c. 40A, § 7. If upon investigation and inspection the Building Inspector finds evidence of a violation, the Building Inspector shall give written notice to the owner and occupant of said premises and demand that such violation be abated within such time as the Building Inspector deems reasonable. The notice and demand may be given by mail, addressed to the owner at the address as it then appears on the records of the Board of Assessors, and to the occupant at the address of the premises.

B. If after notice and demand the violation has not been abated within the time set by the Building Inspector, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Arlington to prevent, correct, restrain, or abate such violation.

C. If the Building Inspector determines that there is no violation, the Building Inspector shall give written notice of the decision to the complaining person within 14 days after the receipt of such request.

3.1.3. **Appeal**

An appeal to the Board of Appeals may be taken by any person aggrieved due to inability to obtain a permit or enforcement action from the Building Inspector, as provided in G.L. c. 40A, § 8, as amended.

3.1.4. **Penalty.**

A. If the notice of violation is not complied with according to the time specified in the notice, the Building Inspector may, in accordance with G.L. c. 40, Section 21D, institute a non-criminal complaint(s) with penalty. Each day in which a violation exists shall be deemed a separate offense.

B. The Building Inspector may, with the approval of the Board of Selectmen, institute the appropriate criminal action or proceeding at law or in equity to prevent any unlawful action, use or condition, and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed for each offense. Each day, or portion of a day, in which a violation exists shall be deemed a separate offense.

3.2 ZONING BOARD OF APPEALS

3.2.1. **Establishment.**

There shall be a Zoning Board of Appeals ("Board of Appeals") consisting of five members and two associate members appointed by the Board of Selectmen. All members of the Board shall be Arlington residents, one member shall be an attorney-at-law, and at least one of the remaining members shall be a registered architect or a registered professional engineer. The appointment, service, and removal or replacement of members and associate members and other actions of the Board of Appeals shall be as provided for in G.L. c. 40A.

3.2.2. **Powers.**

The Board of Appeals shall have the following powers:

A. To hear and decide appeals in accordance with G.L. c. 40A, § 8, as amended.

B. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 9, applications for special permits when designated as the special permit granting authority herein.

C. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 6, applications for special permits to change, alter, or extend lawfully pre-existing non-conforming uses and structures to the extent allowed by Section 5.5.

D. To hear and decide petitions for variances in accordance with G.L. c. 40A, § 10.

E. To hear and decide applications for comprehensive permits for construction of low or moderate-income housing, as set forth in G.L. c. 40B, §§ 20-23.

3.2.3. **Rules and Regulations**

The Board of Appeals shall adopt rules and regulations for the administration of its powers and shall file a copy of such regulations with the Town Clerk. The Board's regulations shall include rules for hiring outside consultants.

3.2.4. **Fees**

The Board of Appeals may adopt reasonable administrative fees and fees for employing outside consultants to assist the Board with is review of special permits, variances, administrative appeals, and applications for comprehensive permits in accordance with its regulations, in accordance with G.L. c. 44, § 53G and § 53G-1/2.

3.2.5. **Repetitive Petitions**

No appeal, or petition for a variance from the terms of this Bylaw denied by the Board of Appeals, or special permit denied by either the Board of Appeals or Arlington Redevelopment Board shall be considered again on its merits within two years from after the date of denial action except under the following circumstances:

A. At least all but one member of the Arlington Redevelopment Board votes to allow the refiling of the application, and

B. The Board that denied the initial application then finds, by a unanimous vote of a board of three members or by a vote of four members of a board of five members or two-thirds vote of a board of more than five members, specific and material changes in the conditions upon which the previous unfavorable action was based.

3.3 SPECIAL PERMITS

3.3.1. **Special Permit Granting Authority**

In this Bylaw, the Board of Appeals and Arlington Redevelopment Board have the power to grant special permits. The appropriate special permit granting authority is specifically designated where applicable.

3.3.2. **Procedures**

A. Application for a special permit shall be filed in accordance with the rules and regulations of the special permit granting authority and G.L. c. 40A.

B. Public Hearing. The special permit granting authority shall hold a public hearing within 65 days of receipt of a special permit application, and shall issue and file a decision no later than 90 days from the date of the public hearing. Notification requirements for a public hearing shall be in accordance with G.L. c. 40A, § 11.

3.3.3. **Decision Criteria**

Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the characteristics of the site and of the proposal in relation to that site. The determination shall include findings that all of the following criteria for granting a special permit are met:

A. The use requested is listed as a special permit use in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

B. The requested use is essential or desirable to the public convenience or welfare.

C. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

D. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.

E. Any special regulations for the use as may be provided in this Bylaw are fulfilled.

F. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

G. The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

3.3.4. **Special Permit Conditions**

Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Bylaw. Such conditions may include but shall not be limited to the following:

A. Dimensional standards more restrictive than those set forth in Section 7 of this Bylaw;

B. Screening buffers or planting strips, fences, or walls;

C. Modification of the exterior appearance of the structures;

D. Limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities;

E. Limitations on signage, noise, or hours of operation of construction equipment;

F. Regulation of number and location of driveways, or other traffic features;

G. Off-street parking or loading or other special features beyond the minimum required by this Bylaw;

H. Deadline to commence construction;

I. Requirements pertaining to integrated emergency or alarm systems, maintenance, landscaping, dust control, bond or other performance guarantee;

J. Requirements for independent monitoring, at the expense of the applicant, and reporting to the Building Inspector, if necessary to ensure continuing compliance with the conditions of a special permit or of this Bylaw;

K. Limitation on the term or duration of a special permit, with or without automatic renewals, to the extent allowed by law;

L. Other limitations as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the proposed use, structure or activity with, the surrounding area.

3.3.5. **Recording; Lapse**

A. Special permits or any extension, modification or renewal thereof shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time. Proof of recording with the Middlesex South Registry of Deeds or Registry District of the Land Court, as applicable, shall be presented to the Building Inspector.

B. Special permits shall lapse within three years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause.

3.4 ENVIRONMENTAL DESIGN REVIEW

3.4.1. **Purposes**

The purpose of Section 3.4 is to provide individual detailed review of certain uses and structures that have a substantial impact on the character of the town and on traffic, utilities, and property values, thereby affecting the public health, safety and general welfare. The environmental design review process is intended to promote the purposes in Section 1.

3.4.2. **Applicability**

In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use (a) requires a building permit and special permit in accordance with use regulations for the applicable district or (b) alters the façade in a manner that affects the architectural integrity of the structure, and c) is one of the uses listed below, the special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4.

A. Construction or reconstruction on a site abutting any of the following: Massachusetts Avenue, Pleasant Street, Mystic and Medford Streets between Massachusetts Avenue and Chestnut Street, Broadway, or the Minuteman Bikeway.

B. Six or more dwelling units on the premises, whether contained in one or more structures or on one or more contiguous lots, to be constructed within a two-year period.

C. Gasoline service stations.

D. Single-room occupancy building or bed and breakfast, with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.

E. Nonresidential uses and hotels/motels in a nonresidential district with more than 10,000 square feet of gross floor area or with 20 or more parking spaces.

F. Nonresidential uses in a residential district with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.

G. Mixed-Use

H. Outdoor uses.

I. Temporary, seasonal signage in accordance with an overall signage plan at a fenced athletic field with one or more permanent structures to seat more than 300 persons, which signage may be in effect between March 15 and December 15 of any calendar year.

J. Any use permitted as a right or by special permit in the Planned Unit Development District and the Multi-Use District.

K. Parking in the Open Space District.

L. Medical Marijuana Treatment Center.

M. Use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; or the use of land or structures for a child care facility; provided, however, that the Board's authority shall be limited to reasonable regulation of the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking, and building coverage requirements.

3.4.3. **Procedures**

A. Application. Applicants shall submit an application for Environmental Design Review in accordance with the Arlington Redevelopment Board's rules and regulations.

B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.

C. The Board shall refer the application to the Department of Planning and Community Development ("Department"), which shall prepare and submit written reports with recommendations to the Board before or at the public hearing. The Board shall not take final action on the special permit application until it has received the Department's report or until 35 days have elapsed after submittal of the proposal to the Department. Failure of the Department to submit written reports or to give an oral report at the public hearing shall not invalidate action by the Board.

D. A favorable decision by the Board shall require the votes of at least four members.

E. The Board shall not deny a special permit under this Section 3.4 unless it finds that the proposed use does not comply with the Environmental Design Review Standards listed below to such a degree that such use would result in a substantial adverse

impact upon the character of the neighborhood or the town, and upon traffic, utilities, and public or private investments, thereby conflicting with the purposes of this Bylaw.

3.4.4. **Environmental Design Review Standards**

The following standards shall be used by the Board and the Department in reviewing site and building plans. The standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. They shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention, and innovation.

The specification of one or more architectural styles is not included in these standards. The Board may adopt design guidelines to supplement these standards in order to administer this Section 3.4, and maintain those guidelines on file with the Department and the Town Clerk. The standards of review outlined in subsections A through K below shall also apply to all accessory buildings, structures, free-standing signs and other site features, however related to the major buildings or structures.

A. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

B. Relation of Buildings to Environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing to reduce the effect of shadows on abutting property in an R0, R1 or R2 district or on public open space.

C. Open Space. All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.

D. Circulation. With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

E. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion

control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section 10.11, b, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

F. Utility Service. Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

G. Advertising Features, subject to the provisions of Section 6.2 below. The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

H. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

I. Safety. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

J. Heritage. With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

K. Microclimate. With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.

L. Sustainable Building and Site Design. Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED®) checklist, appropriate to the type of development, annotated with narrative description, that indicates how the LEED® performance objectives will be incorporated into the project.

SECTION 4. ESTABLISHMENT OF DISTRICTS

4.1 DISTRICTS

For purposes of this Bylaw, the Town of Arlington is divided into the following districts:

4.1.1. **Use Districts**

A. Residential

(1) Residence 0 (R0)

(2) Residence 1 (R1)

(3) Residence 2 (R2)

(4) Residence 3 (R3)

(5) Residence 4 (R4)

(6) Residence 5 (R5)

(7) Residence 6 (R6)

(8) Residence 7 (R7)

B. Business

(1) Business 1 (B1)

(2) Business 2 (B2)

(3) Business 2A (B2A)

(4) Business 3 (B3)

(5) Business 4 (B4)

(6) Business 5 (B5)

C. Other Districts

(1) Industrial (I)

(2) Multi-Use (MU)

(3) Planned Unit Development (PUD)

(4) Transportation (T)

(5) Open Space (OS)

4.1.2. **Overlay Districts (Reserved)**

4.2 ZONING MAP

Zoning districts are shown on a map entitled "Zoning Map of the Town of Arlington" (the Zoning Map) on file in the Office of the Town Clerk and the Department of Planning and Community Development. The district boundaries shown on the Zoning Map, including an overlay map entitled "Wetland and Floodplain Overlay" are part of this bylaw. The Zoning Map may include geographical features, streets, notations, and such other information to keep the map current and to facilitate orientation.

4.2.1. Interpretation of District Boundaries

The location of district boundaries shown on the Zoning Map shall be determined as follows:

A. Where a boundary is indicated as a street, alley, railroad, transit right-of-way, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.

B. Where a boundary is indicated as following approximately or parallel to a street, railroad, rapid transit right-of-way, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined using the scale shown on the Zoning Map.

C. Where a dimensioned boundary or the actual property boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.

D. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, and unless it is otherwise indicated, it shall be construed to intersect at right angles to said centerline or, in the case of a curved centerline, to the tangent to the curve at the point of intersection.

E. The abbreviation "PL" means property line as shown on the Town Assessor's Map as in effect at the effective date of this Bylaw. The abbreviation "PL," when used in conjunction with a subsequent amendment to this Bylaw, shall mean a property line as shown on the Town Assessor's Map as in effect at the effective date of such amendment.

F. The abbreviation "CL" means "Centerline" and "CI" means "Center of Intersection."

G. Whenever any uncertainty exists as to the exact location of a boundary line, the interpretation made by the Inspector of Buildings shall control pending appeal.

SECTION 5. DISTRICT REGULATIONS

5.1 GENERAL PROVISIONS

No building or structure shall be erected and no building or structure, or land or water area shall be used for any purpose or in any manner except in accordance with this Bylaw.

5.2 USE REGULATIONS APPLICABLE IN ALL DISTRICTS

5.2.1. Permitted in All Districts

The following uses are permitted in all districts:

A. Federal government use.

B. Property of the Commonwealth to the extent exempt from local zoning under state law.

C. Uses to the extent protected or exempt pursuant to G.L. c. 40A, Section 3 or other state law.

5.2.2. Prohibited Uses

A. Any use not listed in the Tables of Uses for various districts in Section 6 or otherwise allowable under the provisions of this Bylaw is prohibited.

B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, are expressly prohibited in all districts.

5.2.3. Accessory Uses

An accessory use shall not alter the character of the premises on which it is located or have an adverse impact on the surrounding area.

5.3 DIMENSIONAL REGULATIONS APPLICABLE IN ALL OR MULTIPLE DISTRICTS

5.3.1. Lot Area Per Dwelling Unit

Minimum lot area per dwelling unit shall control the maximum number of dwelling units, of all types, that can be constructed on contiguous land under one ownership in one zoning district. In the business (B) districts, where a lot may contain both residential and nonresidential principal structures, the maximum number of dwelling units is computed by dividing the total land area by the minimum lot area per dwelling unit. Land in lower density districts used for buildings in higher density districts shall not be included in the calculation of minimum lot area per dwelling unit for dwellings in the higher density district.

5.3.2. **Reduction of Lot Areas and Separation of Lots**

A. The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this Bylaw, nor may these areas include any property of which the ownership has been transferred after the effective date of this Bylaw if the property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.

B. Lots separated or transferred in ownership must upon transfer either comply with the provisions of this Bylaw or be deemed noncompliant.

5.3.3. **Spacing of Residential and Other Buildings on One Lot**

A. Where two or more main buildings to be used as dwellings are proposed for construction on property in one ownership or where one or more of the buildings are proposed on land where there are one or more existing residential buildings, the required front, side, and rear yards shall be provided between each building and assumed lot lines shown upon the building permit application. However, the Board of Appeals or, for projects requiring Environmental Design Review, the Arlington Redevelopment Board, may grant a special permit to modify the yard dimensions between buildings designed and intended to remain under common ownership and management where it is demonstrated that there will result light and air of a standard no lower than would result from compliance with either Board's minimum requirements.

B. When a permitted main building to be used as a dwelling is to be located on the same lot with and to the rear of a permitted nonresidential building (including a mixed-use building with commercial uses on the ground floor and residential uses above), each building shall be independently provided with all required front, side, and rear yards, and required lot area; and the distance between such buildings shall not be less than twice the required rear yard depth.

5.3.4. **Spacing of Nonresidential Buildings on the Same Lot**

A. Where two or more main buildings for nonresidential uses are proposed for construction on property in one ownership, the minimum required front, side, and rear yards shall be met only at lot lines abutting other property.

B. For buildings in educational or religious use, the maximum floor area ratio requirements shall be less restrictive than as specified for the district in the following respects:

(1) Where several lots in one ownership and in the same use district are separated from each other only by an adjacent street or intersecting adjacent streets, the area of all lots may be aggregated in calculating floor area ratio.

(2) The maximum floor area ratio shall be increased by one percent for each 2,000 square feet of lot area exceeding the lot size minimum for the district under consideration, up to 50%.

The Board of Appeals or Arlington Redevelopment Board, as applicable, may approve further modifications in the district's dimensional requirements to the extent necessary to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity.

5.3.5. Land Area Included in Calculation of Floor Area Ratio

Land area to be included in calculating the maximum floor area shall include all contiguous lots under one ownership located in zoning districts with the same or greater maximum floor area ratio. Lots in a district with a lower maximum floor area ratio than an abutting district shall not be included in the calculation of a maximum floor area for any lot in the district with the higher maximum floor area ratio.

5.3.6. Exceptions to Maximum Floor Area Ratio Regulations (Bonus Provisions)

A. The Board of Appeals or the Arlington Redevelopment Board, as applicable, may grant a special permit subject to the standards in Section 3.3 or 3.4, as appropriate, to allow a maximum gross floor area higher than is permitted in the district, subject to the procedures, limitations, and conditions specified below, for a lot (or part of a lot) which meets the following basic requirements:

(1) The lot (or part of a lot) is in a district with a floor area ratio of 1.2 or greater.

(2) The lot (or part of a lot) is not less than 20,000 square feet when the principal use is residential. When the principal use is non-residential, no minimum lot size is required provided all other provisions of this Section 5.3.5 are satisfied.

(3) Nonresidential properties listed as contributing structures in National Register Historic Districts shall be allowed an increase in floor area ratio up to a maximum of 2.6 by special permit.

B. To aid the special permit granting authority in making the required findings, the applicant shall submit the materials required by 3.4 in addition to the usual drawings at the time of application.

C. The additional gross floor area granted in accordance with this Section 5.3.5 shall not exceed the following percentages of the gross floor area permitted in the applicable district except for buildings in Subsection C above.

	R7, B5 Districts	R6, B2A, B4 Districts
Maximum Allowable:	33%	25%
Each Condition:		
Large lot	25%	20%
Low or moderate income	25%	20%
Extra open space	15%	10%
Public access	15%	10%
Preservation of landmarks	15%	10%
Large dwelling units	10%	5%

D. The special permit granting authority may approve additional gross floor area where any of the following conditions apply, subject to the limitations in Subsection C and in accordance with the goals of the Arlington Master Plan. The additional gross floor

area shall be calculated separately for each condition based upon the gross floor area permitted in the applicable district.

(1) For a lot that exceeds 20,000 square feet in area, additional gross floor area may be allowed calculated by increasing the floor area ratio for the district by one percent for each 1,500 square feet of lot area in excess of 20,000 square feet.

(2) Where dwelling units are affordable housing units, the gross floor area for each affordable unit may be allowed in excess of the gross floor area for the district.

(3) Where landscaped open space or usable open space is provided in excess of the minimum required in the district, additional gross floor area may be allowed at the rate of two square feet of gross floor area for each one square foot of either kind of open space in excess of the minimum requirements. The minimum requirements shall have been calculated based upon the aggregate of gross floor area allowable as a result of calculations from all applicable subparagraphs.

(4) For a dwelling with an average gross floor area per dwelling unit more than 1,100 square feet, excess gross floor area may be allowed above the maximum for the district. Any gross floor area to be used for offices or other nonresidential principal use shall not be included in calculating the average gross floor area per dwelling unit.

(5) When usable land is deeded or an easement granted for public access and use, additional gross floor area may be allowed at the ratio of 10 square feet of gross floor area to one square foot of such land. Land so deeded or controlled by easement shall not be counted toward minimum lot size, lot area per dwelling unit, or open space requirements, nor shall it be included with land in calculating total permissible gross floor area from the resulting floor area ratio.

(6) When architecturally or historically significant buildings, as listed in the "Inventory of Historically or Architecturally Significant Properties in the Town of Arlington", are preserved, additional gross floor area may be allowed at the rate of eight square feet of gross floor area to each one square foot of gross floor area of the preserved building. As applied in this section, preservation shall mean restoration of the building and maintaining it on the site, or relocation to an available site.

5.3.7. **Screening and Buffers: Industrial and Business Districts and Parking Lots**

A. Screening and space buffers shall be required in any industrial (I) or business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:

I or B District	AbuttingR District	Minimum Buffer
I, B5	R0 through R5	25 ft
B3, B2A, B4	R0 through R5	25 ft
I	R6 through R7	10 ft
B1, B2	R0 through R5	10f t

The strip shall contain a screen of plantings not less than three feet wide and six feet high at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than 20 feet on center and shall be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50 percent of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet high, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of the district. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the Building Inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence.

B. For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking and Loading, shall apply.

5.3.8. Corner Lots and Through Lots

A. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots.

B. At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.

5.3.9. Projections into Minimum Yards

A. Projecting eaves, chimneys, bay windows, balconies, open fire escapes, and enclosed entrances not more than 25 square feet in floor area or more than one story high which do not project more than three and one-half feet beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Enclosed entrances larger than that allowed above may extend into the minimum yard regulations otherwise provided for the district by special permit.

B. Unenclosed steps, an unroofed porch and the like, which do not project more than 10 feet in the front yard, or more than five feet in the side yard beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Unenclosed steps, unroofed porches and the like which do not project more than 10 feet into the required rear yard

and are not closer to the lot line than half the size of the required yard, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built

C. Second story additions within the required front yard setback may extend no more than one foot beyond the existing building wall.

5.3.10. **Average Setback Exception to Minimum Front Yard; All R Districts**

Where the required lot frontage of developed residential lots along a block amounts to more than 50% of the block frontage, and where said development has an average setback less than that required by this bylaw, then any vacant lot setback for a residential use may be reduced to said average of the existing development.

5.3.11. **Dimensional Requirements for Courts**

Inner courts shall be permitted in any building. Where an outer court is enclosed by apartment wings, a distance equal to twice the required side yard in the district shall be provided between the wings, but not less than 25 feet.

5.3.12. **Traffic Visibility**

A. Across Street Corners. Between the property lines of intersecting streets and a line joining points on the property lines 20 feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any R district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades.

B. Visibility for Driveways. A fence, hedge, wall, sign or other structure or vegetation may be maintained on any lot provided that in the front yard area, no such structure or vegetation shall be over two and one-half feet in height above the adjacent ground within five feet of the front lot line unless it can be shown that the vegetation or structure will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.

5.3.13. **Accessory Underground Structures**

A. Any accessory structure or any part of a main structure or building which is located entirely beneath the surface of the ground at the natural grade level may extend into a required front, side, or rear yard except that in any situation where landscaped open space is required, no underground structure or building shall be located beneath more than 50% of the required landscaped open space, nor nearer to any lot line for more than 75% of the length of the lot line.

5.3.14. **Yards for Townhouse Structures**

A. One townhouse structure shall be separated from the end of another townhouse structure by a distance not less than two times the minimum side yard of the district in which the site is located.

B. When two townhouse structures are placed face to face or back to back and are parallel or within 45 degrees of parallel, they shall be separated by a distance not less

than the sum of the minimum front and rear yards specified for the district in which they are located.

5.3.15. **Buildings of Uneven Height or Alignment**

A. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is in one alignment along said length, required yards and setbacks shall be either $(H^1 + L^1)/6$ or $(H^2 + L^2)/6$ whichever is greater, where:

H^1 = the height of the taller portion of the building;

H^2 = the height of the lower portion of the building;

L^1 = the length of the taller portion of the building; and

L^2 = the entire length of the building.

Where the formula 10 + L/10 applies, L shall be defined as L^2 above.

B. Where a building is of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is not in one alignment along said length, required yards and setbacks shall be $(H + L^1)/6$ for the portion of the building nearer the lot line; and $(H + L^2)/6$ for the portion of the building further from the lot line, where:

H = the height of the building;

L^1 = the length of the portion of the building nearer the lot line; and

L^2 = the entire length of the building.

Where the formula 10 + (L/10) applies, the required yards and setbacks shall be $10 + (L^1/10)$ for the portion of the building nearer the lot line; and $10 + (L^2/10)$ for the portion of the building further from the lot line, with L^1 and L^2 defined as above.

C. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, and where it is not in one alignment along said length, required yards and setbacks shall be calculated as follows:

(1) Where the taller part of the building is nearer to the lot line required yards and setbacks shall be $(H^1 + L^1)/6$ for the portion of the building nearer to the lot line; and $(H^2 + L^2)/6$ for the portion of the building further from the lot line, where:

H^1 = the height of the taller part of the building;

H^2 = the height of the lower part of the building;

L^1 = the length of the taller part of the building; and

L^2 = the entire length of the building.

(2) Where the formula 10 + (L/10) applies, required yards and setbacks shall be $10 + (L^1/10)$ for the portion of the building nearer the lot line; and 10 +

($L^2/10$) for the portion of the building further from the lot line, with L^1 and L^2 defined as above.

(3) Where the taller part of the building is further from the lot line, required yards and setbacks shall be $(H^1 + L^2)/6$ for the portion of the building further from the lot line; and $(H^2 + L^1)/6$ for the portion of the building nearer the lot line, where:

H^1 = the height of the taller part of the building;

H^2 = the height the lower part of the building;

L^1 = the length of the lower part of the building; and

L^2 = the length of the entire building.

Where the formula 10 + (L/10) applies, the required yards and setbacks shall be $10 + (L^1/10)$ for the portion of the building nearer the lot line; and $10 + (L^2/10)$ for the portion of the building further from the lot line, with L^1 and L^2 defined as above.

5.3.16. **Yards or Setbacks for Lots Adjoining a Street or Public Open Space**

In cases subject to Section 3.4, Environmental Design Review, the Arlington Redevelopment Board in evaluating the proposal may grant a special permit to adjust the required setbacks set forth elsewhere in this Bylaw to account for specific conditions unique to the proposal.

5.3.17. **Upper-Story Building Step Backs**

For buildings more than three stories in height, an additional 7.5-foot step-back (upper story building setback) shall be provided beginning at the third story level or 30 feet above grade, whichever is less. The upper story step-back shall be provided along all building elevations with street frontage, excluding alleys.

5.3.18. **Balconies and Roof as Portion of Usable Open Space**

The Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a special permit that private balconies with a least dimension of six feet and open space on a roof not more than 10 feet above the level of the lowest story used for dwelling purposes may be counted up to 50% of the usable open space requirement. The proponent's application shall include drawings which depict surface materials, planting areas, fences, railings, benches, access, and other similar items.

5.3.19. **Reduced Height Buffer Area**

A. When two different maximum height limits are specified for the same zoning district in any Table of Dimensional and Density Regulations in this Section 5, the lower limit shall apply to any lot or part of a lot located in a height buffer area unless it is determined as a specific finding of a special permit that the properties in the adjacent R0, R1, R2, or OS district would not be adversely affected due to existing use or topographic condition. A height buffer area is defined as a lot or part of a lot which is located at a lesser distance from any land, not within a public way, in an R0, R1, R2 or OS district than the following:

Land in R0, R1, R2, OS is located	Lower height shall apply
Between northwest and northeast	Within 200 feet
Easterly, between northeast and southeast, or westerly between northwest and southwest	Within 150 feet
Southerly, between southeast and southwest	Within 100 feet

5.3.20. **Maximum Height Exceptions**

In any district, the maximum height limitations shall not apply to the following:

A. Chimneys, ventilators, skylights, water tanks, bulkheads, penthouses, and other accessory additions that are required or are customarily carried above the roofs of buildings;

B. Non-habitable towers, spires, domes, cupolas, and similar additions provided they do not occupy more than twenty (20) percent of the ground floor of the building;

5.3.21. **Supplemental Requirements in the Business and Industrial Districts**

A. Screening and Buffers: Industrial and Business Districts and Parking Lots

(1) Screening and space buffers shall be required in any industrial (I) or business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:

I or B District	Abutting R District	Minimum Buffer
I, B5	R0 through R5	25 ft
B3, B2A, B4	R0 through R5	15 ft
I	R6 through R7	10 ft
B1, B2	R0 through R5	10 ft

The strip shall contain a screen of plantings of vertical habit not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than 20 feet on center, and shall thereafter be maintained by the owner or occupants to maintain a dense screen year-round. At least 50% of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet in height, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of Sections 5.5 and 5.6. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or “wrought iron” types may be substituted for the required wall or fence.

(2) For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking, shall apply.

B. Accessory Structures. Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements of the district in which they are located.

C. Upper-Story Setbacks. In any district where the maximum building height exceeds three stories, upper-story building setbacks shall be required.

D. For mixed uses and any permitted residential use not specifically identified in the tables in Section 5.5.2, the minimum open space requirements (computed from the residential floor area only) shall be 10% landscaped and 20% usable in the B1, B2, B2A, B3, and B4 districts, and 15 percent usable in the B5 district.

5.4 RESIDENTIAL DISTRICTS

5.4.1. Districts and Purposes

The Town of Arlington has established eight residential districts to accommodate a variety of single-family, two-family, duplex, three-family, and multi-family apartment dwellings, as well as offices in some cases, in locations that are appropriate for the permitted uses and density of development. The boundaries of the districts are as shown on the Zoning Map.

A. R0, R1, and R2. The R0, R1, and R2 districts are traditional residential districts. Together, these districts comprise a substantial majority of the residentially zoned land in Arlington.

(1) R0: Large Lot Single-Family District. The Large Lot Single-Family District has the lowest residential density of all districts and is generally served by local streets only. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.

(2) R1: Single-Family District. The predominant uses in R1 are single-family dwellings and public land and buildings. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.

(3) R2: Two-Family District. The predominant use in R2 is a two-family dwelling or duplex. This district is generally served by local streets only and its neighborhoods are largely walkable and well established. It includes areas that are generally within walking distance of the stores and transportation facilities along Massachusetts Avenue and Broadway. The Town discourages uses that consume large amounts of land, uses that would detract from the single-family and two-family or duplex residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.

B. R3 and R4. The R3 and R4 districts are established residential areas in or adjacent to the commercial centers along Broadway and Massachusetts Avenue.

(1) R3: Three-Family District. The predominant use in the R3 district is a three-family dwelling. It is the Town’s intent that no businesses will be located in the R3 district. The Town discourages uses that would detract from the small-scale multifamily residential character of these neighborhoods, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.

(2) R4: Town House Districts. The predominant uses in the R4 district are one- and two-family dwellings in large, older houses. Conversions of these old homes to apartments or offices is allowed to encourage their preservation. Town house construction is permitted at the same density as the apartment conversions, and at a scale in keeping with the older houses. Uses which would detract from the desired residential character, or otherwise interfere with the intent of this bylaw, are discouraged.

C. R5, R6, and R7. The R5, R6, and R7 districts are apartment districts in which a variety of uses and different densities of development are allowed. for median-density (R6) and high-density (R7) residential development. Most of these districts are along Massachusetts Avenue and Pleasant Street, primarily within or adjacent to Arlington Center.

(1) R5: Apartment District/Low Density. The predominant use is two- to three-story garden apartments located along or near principal arteries. The Town allows small-scale offices on principal arteries only. The Town discourages uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.

(2) R6: Apartment District/Medium Density. The predominant land uses in the Medium-Density Apartment District consist of a mix of apartments up to four stories high and offices at a smaller scale. The Town discourages uses which would detract from the desired residential and office character or otherwise interfere with the intent of this Bylaw.

(3) R7: Apartment District/High Density. The High-Density Apartment District accommodates apartments up to five stories high and offices of a similar scale. The Town discourages uses that would detract from the desired character of these areas, such as large-scale retail uses, or otherwise interfere with the intent of this Bylaw.

5.4.2. Dimensional and Density Requirements

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Residential districts. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

LEGEND FOR TABLES

N/A	Not applicable
Sq.ft.	square feet
ft	feet
L	length
H	height
W	width
ROW	right-of-way
SP	special permit

A. Tables of Dimensional and Density Regulations

R District Lot Regulations (see 5.4.2(B) for exceptions).

	Minimum Requirement

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
R0	9,000	-----	75
R1, R2	6,000	-----	60
R3		-----	60
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling; or other permitted structure except townhouse	5,000	-----	45
Townhouse structure	-----	2,500	45
R4			
Single-family detached dwelling, two-family dwelling, duplex house	6,000	-----	60
Three-family dwelling	7,500	-----	70
Townhouse structure	30,000	2,500	100
Apartment conversion	12,500	2,500	80
Nursing home, dormitory, or lodging house conversion	20,000	-----	100
Any other permitted structure	6,000	-----	60
R5			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	6,000	-----	60
Townhouse, apartment building	20,000	1,450	100
Other permitted structure	6,000	-----	60
R6			
Single or two-family dwelling, duplex house, three-family dwelling	5,000	-----	45
Townhouse structure, apartment house, or office structure	20,000	700	100
Other permitted structure	6,000	-----	60
R7 Any permitted principal structure	20,000	550	100

R District Yard and Open Space Requirements (see 5.4.2(B) for exceptions).

	Minimum Requirement		
District Use	**Front Yard (ft)**	**Side Yard (ft)**	**Rear Yard (ft)**
R0, R1, R2	25	10	
Rear (lot depth 100 ft. or more)			20
Rear (lot depth <100 ft.)			20% lot depth
R3			
Single-family detached dwelling, two-family dwelling, duplex house, three- family dwelling; or other permitted structure except townhouse	10	One side: min. 10 Sum of two sides: min. 16	20
Townhouse structure	10	10	20
Accessory buildings and garage structures	10	6	6
R4			
Single-family detached dwelling, two-family dwelling, duplex house	25	10	20
Three-family dwelling	25	10	20
Townhouse structure	25	15	25
Apartment conversion	25	10	20
Nursing home, dormitory, or lodging house conversion	25	25	25
Any other permitted structure	25	15	20
Accessory buildings and garage structures	25	6	6
R5			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	20	10	20
Townhouse, apartment building	15	10+(L/10)	25
Other permitted structure	20	20	20
Accessory buildings and garage structures	20	6	6
R6			
Single or two-family dwelling, duplex house, three-family dwelling	10	One side: min. 10 Sum of two sides: min. 16	20
Townhouse structure, apartment house, or office structure	15+(H/10)	(H+L)/6	(H+L)/6
Other permitted structure	20	10	20
Accessory buildings and garage structures	20	10	10
R7			
Any permitted principal structure	15+(H/10)	(H+L)/6 At least 20’	(H+L)/6 At least 20’
Accessory buildings and garage structures		20	20

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.14 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

R District Open Space and Lot Coverage Regulations (see 5.4.2(B) for exceptions).

	Minimum / Maximum Requirements		
District Use	**Landscaped Open Space (Min.)**	**Usable Open Space (Min.)**	**Maximum Lot Coverage**
R0			
Any permitted structure	10%	30%	35%
R1, R2			
Permitted residential structure	10%	30%	35%
Any other permitted structure	30%		
R3			
Single-family detached dwelling, two-family dwelling, duplex house, three- family dwelling; or other permitted structure except townhouse	10%	30%	-----
Townhouse structure	10%	30%	-----
Any other permitted structure	30%	-----	-----
R4			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	30%	35%
Townhouse structure	10%	30%	-----
Apartment conversion	10%	30%	35%
Nursing home, dormitory, or lodging house conversion	30%	-----	-----
Any other permitted use	30%	-----	-----
R5			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	30%	-----
Townhouse, apartment building	10%	30%	-----
Other permitted structure	30%	-----	-----
R6			
Single or two-family dwelling, duplex house, three-family dwelling	10%	30%	-----
Townhouse structure, apartment house, or office structure	10%	25%	-----
Other permitted structure	10%	-----	-----
R7			
Any permitted principal structure	10%	15%	-----

R District Building Height and Floor Area Ratio Regulations (see 5.4.2(B) for exceptions)

	Maximum Allowed		
District Use	**Maximum Height (ft)**	**Maximum height (stories)**	**Maximum Floor Area Ratio (FAR)**
R0, R1			
Single Family detached dwelling	35	2 ½	-----
Other permitted structure	35	2 ½	0.35
R2			
Single family detached dwelling, two-family dwelling or duplex house	35	2 ½	-----
Other permitted structure	35	2 ½	0.35
R0, R1, R2	7	-----	
Minor accessory building (80 sq. ft. or less)			
Accessory structures (Over 80 sq. ft.) and Private Garages	20	-----	
R3			
Principal building or structure	35	3	0.75
Detached accessory structure (>80 sq. ft.)	20	2	
Detached accessory structure (<= 80 sq. ft.)	7	1	
R4			
Single-family detached dwelling, two-family dwelling, duplex house	35	2 ½	-----
Three-family dwelling	35	3	-----
Townhouse structure	35	3	0.70
Apartment conversion	40	3	-----
Nursing home, dormitory, or lodging house conversion	35	3	-----
Any other permitted structure	35	3-2 ½	0.35
Detached accessory structure (>80 sq. ft)	20	2	-----
Detached accessory structure (<= 80 sq. ft.)	7	1	-----
R5			
Any residential or other principal structure	35	3	0.80
Detached accessory structure (>80 sq. ft)	20	2	N/A
Detached accessory structure (<= 80 sq. ft.)	7	1	N/A
R6			
Principal building or structure	35	3	0.8
Townhouse, apartment house, or office on more than 20,000 sq. ft.	40 35	4 3	
Detached accessory structure (>80 sq. ft.)	20	2	
Detached accessory structure (<= 80 sq. ft.)	7	1	
R7			
Any permitted principal structure	40 / 60	5	1.50

B. Exceptions to Minimum Lot Area, Frontage, Open Space, Side Yard, and Height Requirements in the R0, R1, and R2 Districts.

(1) The following applies to any lot shown on a subdivision plan approved by the Board of Survey or on a plan or deed recorded with the Registry of Deeds prior to May 15, 1924. If a building permit for construction was not issued prior to August 28, 1975, the minimum lot size, frontage, open space, and side yard requirements for a residential use shall not apply, and the lot may be built upon with a single- or two-family residential use if permitted in the applicable district, provided that:

- The lot contains at least 5,000 square feet of area and 50 feet of frontage, and
- The lot was not held in common ownership with any adjoining land, and
- The lot conformed to then-existing dimensional and density requirements at the time that it was shown on an approved plan or by recorded deed or plan, and
- The minimum open space requirements of this section are satisfied.

(2) Exemption for particular streets. The following shall apply to lots on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street if shown on separate subdivision plans recorded with the Registry of Deeds prior to August 28, 1975. The minimum lot size, minimum frontage, and minimum side yard requirements for residential uses in the R2 district shall not apply, and a single-family dwelling attached to one other single-family dwelling on an adjoining lot as of August 28, 1975, shall be considered a building lot.

(3) RO District Minimum Lot Area Exception. Any lot shown on the Zoning Map as proposed by the zoning bylaw change first advertised on February 21, 1991, as being in the R0 district, and which was recorded with the Registry of Deeds on or before February 21, 1991, and which did not contain a principal building, or for which a building permit was not issued, may be built upon with a single family residential use provided that the lot contains not less than 6,000 square feet of area and 60 feet of frontage.

(4) Minimum Lot Width Exceptions. The minimum lot width of 50 feet shall not apply to (i) any lot excepted under Section 5.4.2(B)(3) or (ii) restoration of any principal building that existed on a lot or for which a building permit was issued prior to February 1, 1988.

(5) Calculation of Building Height. On a lot with a slope more than 5%, building height is the vertical distance of the highest point of the roof above the average finished grade of the ground using grade plane as defined in the State Building Code.

(6) Large Additions. No alteration or addition which increases the gross floor area of a building by 750 square feet or more, or by 50% or more of the building's gross floor area on the date of application for a permit or because of

cumulative alterations or additions during the previous two years, shall be allowed unless:

- The addition is constructed entirely within the existing foundation, or
- The Board of Appeals finds that the alteration or addition is in harmony with other structures and uses in the vicinity.

In making its determination, the Board of Appeals shall consider, among other relevant facts, the proposed alteration or addition's dimensions and setbacks in relation to abutting structures and uses and its conformity to the purposes of this Bylaw as set forth in Section 1.

5.4.3. **Use Regulations for Residential Districts**

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Residential								
Single-family detached dwelling	Y	Y	Y	Y	Y	Y	Y	Y
Six or more single family dwellings on one or more contiguous lots	SP	SP	SP	SP	SP	SP	SP	SP
Two-family dwelling, duplex			Y	Y	Y	Y	Y	Y
Six or more units in two-family dwellings or duplexes on one or more contiguous lots			SP	SP	SP	SP	SP	SP
Three-family dwelling				SP	SP	SP	SP	SP
Townhouse				SP	SP	SP	SP	SP
Apartment building						SP	SP	SP
Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building					SP	SP		
Licensed lodging house				SP	SP	SP	SP	SP
Single-room occupancy building				SP	SP	SP	SP	SP
Group home	Y	Y	Y	Y	Y	Y	Y	Y
Conversion of one or two-family dwelling to bed and breakfast	SP	SP	SP	SP	SP	SP	SP	SP
Assisted living residence							SP	
Dormitory *(Note: permitted if associated with an educational or religious use)*			SP	SP	SP	SP	SP	SP
Conversion to apartment at a maximum density of 18 dwelling units per acre with no exterior alteration				SP	SP			
Conversion of one or two-family structure to licensed bed and breakfast	SP	SP	SP	SP	SP	SP	SP	SP
Institutional, Educational								
Community center, youth club, adult education center, or similar facility operated by a non-profit institution *(Note: permitted if associated with an educational or religious use.)*	SP	SP	SP	SP	SP	SP	SP	SP
Nonprofit, members-only private club or lodge				SP		SP	SP	SP
Nursing home, rest home,	SP	SP	SP	SP	SP	SP	SP	SP

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
convalescent home								
Town or nonprofit cemetery, mausoleum, or crematorium	SP	SP						
Library, museum, or art gallery open to the public and not conducted as a private gainful business. *(Note: permitted if associated with an educational or religious use.)*	SP	SP	SP	SP	SP	SP	SP	SP
Agricultural								
Farm on less than 5 acres unless otherwise exempt under G.L. c. 40A, §3, and without livestock or poultry, or market garden provided that all goods or produce sold are grown on the premises.	Y	Y	Y	Y	Y	Y	Y	Y
Public, Recreational, Entertainment								
Municipal or non-profit park, playground, or similar outdoor recreation facility	Y	Y	Y	Y	Y	Y	Y	Y
Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation facility not conducted as a private gainful business	SP	SP	SP	SP	SP	SP	SP	SP
Municipal or non-profit recreation building				Y	Y	Y	Y	Y
Municipal or non-profit enclosed entertainment and recreation facilities	SP	SP	SP	SP	SP	SP	SP	SP
Fire station				Y	Y	Y	Y	Y
Police station				Y	Y	Y	Y	Y
Town office building				Y	Y	Y	Y	Y
Municipal public works yard and associated maintenance, storage, and office facilities				SP	SP	SP	SP	SP
Utility, Transportation, Communications								
Essential services	SP	SP	SP	SP	SP	SP	SP	SP
Radio or television studio or receiving facility; no wireless transmitting facilities							Y	Y
Municipal radio or television studio or receiving facility licensed by the Town and under Town jurisdiction		SP						
Municipal or other public parking area or structure	SP	SP	SP	SP	SP	SP	SP	SP
Commercial off-street parking area or structure for the parking or storage on a fee basis of automobiles and light commercial vehicles with a rated capacity of 1 ton or less provided no repairs, servicing or sale of gasoline is carried out on the premises							SP	SP
Non-residential parking lot serving a business use located in and entered	SP	SP	SP	SP	SP	SP	SP	SP

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
from an adjoining B3 or B5 district, provided that: • No business, sales, service, or loading operations are performed on the lot, and • The lot complies with the screening provisions of Section 6.1.								
Residential surface parking lot serving residential uses in another district provided that: • The lot used for parking abuts the residential property it serves for at least 50 ft.; and • Both lots are under common ownership; and • The parking lot complies with the screening provisions of Section 6.1.	SP	SP	SP	SP	SP	SP	SP	SP
Wireless Communications Facility								
In a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building	SP	SP	SP			SP	SP	SP
In building other than Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building						SP	SP	SP
In building other than Town building, use of which is exempt under G.L. c. 40A, § 3; wireless facility shall not extend above the highest point of the building	SP	SP			SP			
Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet	Y	Y	Y	Y	Y	Y	Y	Y
Personal, Consumer and Business Services								
Funeral Home						SP	SP	SP
Eating & Drinking Establishments								
Restaurant => 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more								SP
Retail								
Retail, general, with more than 3,000 sq. ft. of gross floor area								SP
Retail, local, with less than 3,000 sq. ft. of gross floor area								SP
Office Uses								
Business, professional or medical offices								
• Less than 3,000 sq. ft. gross floor area per building					SP	SP	Y	Y

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
• 3,000 sq. ft. or more gross floor area per building							SP	SP
• In an existing building originally designed for single or two-family residential use, if the building retains its residential appearance and fronts on a street with at least 50 foot right-of-way					SP	SP	Y	Y
Commercial Entertainment, Amusement, Assembly Uses								
Enclosed entertainment and recreation facilities not conducted as a private for-profit business	SP	SP	SP	SP	SP	SP		
Research, Laboratory, Related Uses								
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area						SP	SP	SP
Light Industry								
Research & development								SP
Accessory Uses								
Renting of up to three rooms	SP	SP	SP	SP	SP	SP	SP	SP
Accessory private garage for noncommercial motor vehicles	Y	Y	Y	Y	Y	Y	Y	Y
Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard	Y	Y	Y	Y	Y	Y		
Accessory structure not used as part of business	Y	Y	Y	Y	Y	Y	Y	Y
Home occupation *Note: Requires a special permit if home occupation serves customers or pupils on the premises. See Section 5.8.*	Y	Y	Y	Y	Y	Y	Y	Y
Family child care	SP	SP	SP	SP	SP	SP		
Accessory retail, office, or consumer service use in an apartment dwelling over 20,000 sq. ft. in gross floor area, provided: all activities are located on the first floor or basement floor levels, such uses shall not occupy more than 2,000 sq. ft.; all materials, goods, and activities in connection with said uses shall be confined completely within the building							SP	Y
Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building							SP	SP
Accessory off-street parking and loading spaces conforming to the provisions of Section 6.1	Y	Y	Y	Y	Y	Y	Y	Y
The storage or keeping of not more than one commercial vehicle:								

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
• In a private garage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y	Y	Y	Y	Y	Y	Y
• Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling	SP	SP	SP	SP	SP	SP	SP	SP
• Parking of not more than 4 commercially-owned shared vehicles					SP	SP	Y	Y
• Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town	SP	SP	SP	SP	SP	SP	Y	Y
Temporary food or beverage concession for profit at an event	Y	Y	Y	Y	Y	Y	Y	Y
Fundraising event by an Arlington non-profit organization with appropriate permits and no automated amusements	Y	Y	Y	Y	Y	Y	Y	Y
Other accessory use	SP	SP	SP	SP	SP	SP	SP	SP
Up to three dwelling units in a building containing a business or service use					SP	SP	Y	Y
Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use	SP	SP	SP	SP	SP	Y	Y	Y
Cable television studio and/or head end site including antenna and satellite reception facility	SP	SP	SP	SP	SP	SP		
Catering								Y
Keeping of up to six hen chickens if they are: • Used only for noncommercial purposes, and • Permitted by Arlington Board of Health, and • Kept in an enclosure in the rear yard at least six feet from all property lines and at least 25 feet from residences on abutting lots	Y	Y	Y					
Temporary seasonal signage as part of a signage plan at a fenced athletic field with one or more permanent structures to seat more than 300 people	SP							

5.5 BUSINESS DISTRICTS

5.5.1. Districts and Purposes

The Town of Arlington has established six business districts to provide for goods and services and employment opportunities in a variety of settings. The boundaries of the districts are as shown on the Zoning Map.

A. B1: Neighborhood Office District. In the Neighborhood Office District, the predominant uses include one- and two-family dwellings, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. Primarily located on or adjacent to Massachusetts Avenue, this district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.

B. B2: Neighborhood Business District. The Neighborhood Business District is intended for small retail and service establishments serving the needs of adjacent neighborhoods and oriented to pedestrian traffic, and mixed-use buildings. Locations are almost all along Massachusetts Avenue or Broadway. The Town discourages uses that would detract from the district's small-scale business character or otherwise interfere with the intent of this Bylaw.

C. B2A: Major Business District. The B2A district is located along Massachusetts Avenue, Mill Street, Summer Street, and Broadway. These areas generally contain retail and service uses that serve the needs of a large neighborhood area. Customers generally arrive by car, so the Town wants to ensure that ample parking is available to serve the retailer. Mixed-use buildings are allowed in this district, as is medium-density housing due to the district's proximity to residential uses. Specifically prohibited uses include (but are not limited to) automotive uses, some office uses, and wholesale business and storage uses.

D. B3: Village Business District. The Village Business District's predominant uses include retail, service and office establishments catering to both convenience and comparison-goods shoppers and oriented to pedestrian traffic. Mixed-use structures are allowed and encouraged in this district. The three locations include portions of the principal business areas of Arlington: Lake Street, Arlington Center, and Arlington Heights. Businesses which consume large amounts of land and activities which interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this bylaw are discouraged.

E. B4: Vehicular Oriented Business District. The Vehicular Oriented Business District provides for establishments that are primarily oriented to automotive traffic, which means they require large amounts of land in proportion to building coverage. This district also consists of establishments devoted to the sale or servicing of motor vehicles, the sale of vehicular parts and accessories, and service stations. Arlington has an abundance of automotive and automotive accessory sales and service establishments. As these businesses gradually close, the Town has encouraged conversion of the property to other retail, service, office, or residential use, particularly as part of mixed-use development.

F. B5: Central Business District. The Central Business District is a small district in Arlington Center. It includes retail, service, and office uses, and it provides for large-scale development. The scale is intended to reinforce the Center's role as the focus of activity in Arlington. Mixed-use development is encouraged, such as the combining of residential and business uses. Activities shall be oriented to pedestrian traffic and

to centralized parking. The Town discourages businesses that consume large amounts of land and interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this Bylaw.

5.5.2. **Dimensional and Density Regulations**

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Business districts. Additional regulations affecting all districts can be found in Section 5.3.

LEGEND FOR TABLES

N/A	Not applicable
Sq.Ft	square feet
ft	feet
L	length
H	height
W	width
ROW	Right-of-Way
SP	Special Permit

A. Tables of Dimensional and Density Regulations

B District Lot Regulations

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft)
B1			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	6,000	2,500	60
Mixed-use	-----	-----	50
Any other permitted use	5,000	2,500	50
B2			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	6,000	2,500	60
Townhouse or apartment	5,000	1,450	50
Mixed-use	----- 20,000	-----	50 0
Any other permitted use	5,000	1,450	50
B2A		-----	60
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	6,000	2,500	60
Apartments on street w/ ROW =<50 ft.	20,000	1,450	100
Apartments on street w/ ROW >50 ft.	20,000	700	100
Mixed-use	----- >20,000	-----	50 50
Any other permitted use	-----	-----	50
B3			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	6,000	2,500	60
Townhouse or apartment	20,000	600	100
Mixed-use	----- >20,000	------ 600	50 50
Any other permitted use	----- 20,000	600 600	50 100
B4			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	6,000	2,500	60
Apartments on street w/ ROW =<50 ft.	20,000	1,450	100
Apartments on street w/ ROW >50 ft.	20,000	700	100
Mixed-use	----- >20,000	----- 700	50 50
Any other permitted use	-----	-----	50
B5			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	6,000	2,500	60
Townhouse or apartment	20,000	550	100
Mixed-use	----- >20,000	----- 700	50 50
Any other permitted use On a lot >= 40,000 sq. ft. On a lot >= 80,000 sq. ft.	-----	600 550 550	50 100 150

B District Yard and Open Space Requirements

	Minimum Requirement		
District Use	**Front Yard (ft)**	**Side Yard (ft)**	**Rear Yard (ft)**
B1			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	20	10	20
Mixed use	20	10	20
Any other permitted use	20	10	20
B2			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	20	10	20
Townhouse or apartment	20	10	20
Mixed use	----- 0	----- 0	10+(L/10) 10+(L/10)
Any other permitted use	-----	-----	10+(L/10)
B2A			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	20	10	20
Apartments on street w/ ROW =<50 ft.	15	10+(L/10)	30
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	(H+L)/6 (at least 30 ft)
Mixed-use	0	0	10+(L/10)
Any other permitted use	-----	-----	10+(L/10)
B3			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	20	10	20
Townhouse or apartment	15+(H/10)	(H+L)/6	(H+L)/6
Mixed-use	0 0	0 0	(H+L)/6 (H+L)/6
Any other permitted use	----- -----	----- -----	(H+L)/6 (H+L)/6
B4			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	20	10	20
Apartments on street w/ ROW =<50 ft.	15	10+(L/10)	30
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	(H+L)/6 (at least 30 ft.)
Mixed-use	0	0	10+(L/10)
Any other permitted use	-----	-----	10+(L/10)
B5			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	20	10	20
Townhouse or apartment	15+(H/10)	(H+L)/6 (at least 20 ft)	(H+L)/6 (at least 20 ft.)
Mixed-use	0 0	0 0	(H+L)/6 (H+L)/6
Any other permitted use	-----	-----	(H+L)/6

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.14 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

B District Open Space and Lot Coverage

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
B1			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	30%	N/A
Mixed-use	10%	Sec. 5.3.20	N/A
Any other permitted use	20%	Sec. 5.3.20	N/A
B2			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	20%	N/A
Townhouse or apartment	10%	20%	N/A
Mixed-use	10%	Sec. 5.3.20	N/A
Any other permitted use	10%	Sec. 5.3.20	N/A
B2A			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	30%	N/A
Apartments on street w/ ROW =<50 ft.	10%	20%	N/A
Apartments on street w/ ROW >50 ft.	10%	20%	N/A
Mixed-use	----- 10%	Sec. 5.3.20	N/A
Any other permitted use	10%	Sec. 5.3.20	N/A
B3			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	30%	N/A
Townhouse or apartment	10%	20%	N/A
Mixed-use	----- 10%	Sec. 5.3.20	N/A
Any other permitted use	20%	Sec. 5.3.20	N/A
B4			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	30%	N/A
Apartments on street w/ ROW =<50 ft.	10%	30%	N/A
Apartments on street w/ ROW >50 ft.	10%	20%	N/A
Mixed-use	----- 10%	Sec. 5.3.20	N/A
Any other permitted use	10%	Sec. 5.3.20	N/A
B5			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	20%	N/A
Townhouse or apartment	10%	15%	N/A
Mixed-use	----- 10%	Sec. 5.3.20	N/A
Any other permitted use	20%	Sec. 5.3.20	N/A

B District Building Height and Floor Area Ratio Regulations

	Maximum Allowed		
District Use	**Maximum Height (ft)**	**Maximum height (stories)**	**Maximum Floor Area Ratio (FAR)**
B1			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	35	2 ½	0.75
Mixed-use	35	2 ½	0.75
Any other permitted use	35	2 ½	0.75
B2			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	35	2 ½	0.75
Townhouse or apartment	35	3	1.00
Mixed-use	50 40	4* 3 *See Sec 5.3.20	1.50 1.00
Any other permitted use	35	2 ½	1.00
B2A			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	35	2 ½	0.75
Apartments on street w/ ROW =<50 ft. or/ ROW >50 ft.	35 / 40	3 / 4	0.80 / 1.20
Mixed-use	50 40	4 3	1.50 1.00
Any other permitted use	35	3	1.00
B3			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	35	2 ½	0.75
Townhouse or apartment	60 40	5 3	1.40
Mixed-use	60 40	5* 3	1.50 1.40
Any other permitted use	60 40	5 3	1.00 1.40
B4			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	35	2 ½	0.75
Apartments on street w/ ROW =<50 ft. or/ ROW >50 ft.	35 /40	3 /4	0.80 / 1.20
Mixed-use	50 40	4* 3	1.50 1.00
Any other permitted use	35	3	1.00
B5			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	35	2½	0.75
Townhouse or apartment	75 40	N/A	1.40
Mixed-use	60 / 50 60 / 40	5 /4* 5 /3*	1.80 1.40
Any other permitted use	60 / 40 75 75/40	5/3 N/A N/A	1.40 1.50 1.80

5.5.3. **Use Regulations for Business Districts**

Class of Use	B1	B2	B2A	B3	B4	B5
Residential						
Single-family detached dwelling	Y	Y	Y	Y	Y	Y
Two-family dwelling, duplex	Y	Y	Y	Y	Y	Y
Six or more single-family dwellings or six or more units in two-family dwellings or duplexes on one or more contiguous lots	SP	SP	SP	SP	SP	SP
Three-family dwelling	SP	SP	SP	SP	SP	SP
Townhouse	SP	SP	DP	SP		SP
Apartment building		SP	SP	SP	SP	SP
Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building					SP	SP
Single-room occupancy building	SP					SP
Group home	Y	Y	Y	Y	Y	Y
Hotel/Motel			SP	SP	SP	SP
Conversion of one or two-family dwelling to bed and breakfast	SP	SP	SP	SP	SP	SP
Assisted living residence				SP		
Dormitory *(Note: permitted if associated with an educational or religious use.)*	SP	SP	SP	SP	SP	SP
Institutional, Educational						
Community center, youth club, adult education center, or similar facility operated by a non-profit institution *(Note: permitted if associated with an educational or religious use.)*	SP	SP	SP		SP	
Nonprofit, members-only private club or lodge	SP	SP	SP	SP	Y	SP
Non-exempt educational use, e.g., trade, driving, music, dancing school		Y	Y	Y	Y	Y
Library, museum, or art gallery open to the public and not conducted as a private gainful business. *(Note: permitted if associated with an educational or religious use.)*	SP	SP	SP	SP	SP	SP
Agricultural						
Sales place for flowers as a principal not accessory use, garden supplies, agricultural produce, conducted outdoors or commercial greenhouse		Y	Y	Y	Y	Y
Farm on less than 5 acres unless otherwise exempt under G.L. c. 40A, §3, or market garden provided that all goods or produce sold are grown on the premises	Y	Y	Y	Y	Y	Y
Public Recreational, Entertainment						
Conservation land	Y	Y	Y	Y	Y	Y
Municipal or non-profit park, playground, or similar outdoor recreation facility	Y	Y	Y	Y	Y	Y
Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation facility not conducted as a private gainful business						SP
Municipal or non-profit recreation building	Y	Y	Y	Y	Y	Y
Municipal or non-profit enclosed entertainment and recreation facilities	SP	SP	SP	SP	SP	SP
Fire station	Y	Y	Y	Y	Y	Y

Police station	Y	Y	Y	Y	Y	Y
Town office building	Y	Y	Y	Y	Y	Y
Municipal public works yard and associated maintenance, storage, and office facilities	SP	SP	SP	SP	SP	SP
Utility, Transportation, Communications						
Bus, rapid transit, railroad station		SP	SP	SP	SP	SP
Motor freight terminal					SP	
Essential services	SP	SP	SP	SP	SP	SP
Radio or television studio or receiving facility without wireless transmitting facilities	Y	Y	SP	Y	Y	Y
Municipal radio or television studio or receiving facility licensed by the Town and under Town jurisdiction		SP				
Municipal or other public parking area or structure	SP	SP	SP	SP	SP	SP
Commercial parking or vehicle storage facility, with no repairs, servicing or sale of gasoline		SP	SP	SP	SP	SP
Residential surface parking lot serving residential uses in another district provided that: • The lot used for parking abuts the residential property it serves for at least 50 ft.; and • Both lots are under common ownership; and • The parking lot complies with the screening provisions of Section 6.1.	SP	SP	SP	SP	SP	SP
Wireless Communication Facility						
In a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building		SP	SP	SP		SP
In a building other than a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building		SP	SP	SP	SP	SP
In building other than Town building, use of which is exempt under G.L. c. 40A, § 3; wireless facility shall not extend above the highest point of the building	SP					
Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet	Y	Y	Y	Y	Y	Y
Commercial & Storage Uses						
Motor vehicle sales and rental, sale of auto parts, and accessory storage entirely within an enclosed structure, provided the neighborhood is protected from noise, fumes, gases, smoke and vapor					SP	
Outdoor sales and storage of undamaged, operable automobiles					SP	
Auto repair garage, not including a junkyard or open storage of abandoned vehicles, body work or auto painting					SP	
Car wash facility					SP	
Automobile service station					SP	
Personal, Consumer and Business Services						
Copy center or print shop for sheet-fed printing		Y	Y	Y	Y	Y
Bank, credit union or other financial service; <2,000 sq. ft.		Y	Y	Y	Y	Y

2,000 sq. ft. or more, or any drive-up banking service			SP	SP	SP	SP
Personal service establishment		Y	Y	Y	Y	Y
Hand laundry, dry cleaning, or tailor with more than 5 employees on site at the same time		SP	Y	Y	Y	Y
Consumer service establishment (But SP in all districts for establishments with more than 5 employees on site at the same time)	SP	Y	Y	Y	Y	Y
Funeral Home	Y	Y	SP	Y		Y
Veterinary and animal care; accessory overnight boarding only for veterinary/medical care in an enclosed building		Y	Y	Y	Y	Y
Eating & Drinking Establishments						
Restaurant						
< 2,000 sq. ft. gross floor area	SP	Y	Y	Y		Y
=> 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more		SP	SP	SP	SP	SP
Restaurant, Fast-Order Food						
< 1,500 sq. ft. in gross floor area		Y	Y	Y		Y
=> 1,500 sq. ft., and any restaurant that is principal use on lot greater than 10,000 sq. ft. or more		SP	SP	SP		SP
Restaurant, Drive-In					SP	
Catering service			SP	SP	Y	
Retail						
Retail, general, >3,000 sq. ft. gross floor area		SP	SP	SP	SP	SP
Retail, local; <3,000 sq. ft.		Y	Y	Y	Y	Y
Manufacture, assembly, packaging of goods provided that at least 50% of such goods are sold at retail primarily on the premises						
<1,000 sq. ft.		Y	Y	Y	Y	Y
=>1,000 sq. ft.		SP	SP	SP	SP	SP
Office Uses						
Including but not limited to professional, business, or medical offices						
• Less than 3,000 sq. ft. gross floor area per building	SP	Y	Y	Y	Y	Y
• 3,000 sq. ft. or more gross floor area per building		SP	SP	SP	SP	SP
• Office, display or sales space with no more than 25% of floor space used for assembly, packaging or storage of commodities			SP	SP	Y	Y
• In an existing building originally designed for single- or two- family residential use, if the building retains its residential appearance and is on street with ROW of at least 50 ft.	SP					
• With ROW less than 50 ft.	SP	SP		SP	SP	SP
Wholesale Business & Storage						
Wholesale business in enclosed facility			SP		SP	
Wholesale storage and sale of flammable liquid, or wholesale business conducting at least half of the business at retail on the premises, based on business receipts.					SP	
Open or enclosed storage of vehicles					SP	
Commercial Entertainment, Amusement, Assembly						

Uses						
Enclosed entertainment and recreation facilities not conducted as a private for-profit business	SP	SP	SP	SP	SP	SP
Outdoor entertainment and recreation facilities			SP	SP		
Enclosed entertainment and recreation facilities conducted for a profit		SP	SP	SP	SP	SP
Indoor Motion Picture Theater			SP	SP	SP	SP
Adult Uses						SP
Research, Laboratory, Related Uses						
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area	SP	SP	SP	SP	SP	SP
Research and development establishment		SP	SP	SP	SP	SP
Light Industry						
Laundry or dry cleaning plant					SP	
Printing, binding, engraving plant				SP	SP	
Contractor's or Building Tradesman's yard					SP	
Stone cutting, shaping, finishing in enclosed facility					SP	
Truck service and repair					SP	
Light manufacturing					SP	
Other Principal Uses						
Medical Marijuana Treatment Center				SP		SP
Artisanal fabrication	SP	SP	SP	SP	SP	SP
Artistic/creative production	SP	Y	Y	Y	Y	Y
Mixed-use	SP	SP	SP	SP	SP	SP
Accessory Uses						
Renting of up to three rooms	Y	Y	Y	Y	Y	Y
Accessory private garage for noncommercial motor vehicles	Y	Y	Y	Y	Y	Y
Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard					Y	
Accessory structure not used as part of business	Y	Y	Y	Y	Y	Y
Home occupation or office *(Note: requires a special permit if home occupation serves customers or pupils on the premises. See Section 5.8)*	Y	Y	Y	Y	Y	Y
Physician or Clergy office within a residence with up to 1 nonresident employee	Y	Y	Y	Y	Y	Y
Family child care	SP	SP	SP	SP	SP	SP
Accessory retail or office use in apartment building over 20,000 square feet in gross floor area, provided: all activities are located on the first floor or basement floor levels, such uses shall not occupy more than 2,000 sq. ft.; all materials, goods, and activities in connection with said uses shall be confined completely within the building		Y	Y	Y	Y	Y
Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building			Y		Y	Y
Accessory off-street parking and loading spaces conforming to the provisions of Section 6.1	Y	Y	Y	Y	Y	Y

The storage or keeping of not more than one commercial vehicle:						
• In a private garage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y	Y	Y	Y	Y
• Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y	Y	Y	Y	Y
• Parking of not more than 4 commercially-owned shared vehicles	SP	Y	Y	Y	Y	Y
• Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town	SP	Y	Y	Y	Y	Y
Accessory outdoor storage; storage area not exceeding 25% of the lot coverage of the principal building.	SP	SP	SP	SP	SP	SP
Temporary food or beverage concession for profit at an event	Y	Y	Y	Y	Y	Y
Fundraising event conducted by an Arlington based non-profit organization, with no automated amusements	Y	Y	Y	Y	Y	Y
Other accessory use customarily incidental to permitted primary use	SP	SP	SP	SP	SP	SP
Activities accessory to a permitted use that are necessary in connection with scientific research	SP	SP	SP	SP	SP	SP
Up to three dwelling units in a building containing a business or service use	SP	SP	SP	SP	SP	SP
Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use	SP	Y	Y	Y	Y	Y
Cable television studio and/or head end site including antenna and satellite reception facility			SP			
Catering service	Y	Y	Y	Y	Y	Y

5.6 OTHER DISTRICTS

5.6.1. Districts and Purposes

A. MU: Multi-Use. The Multi-Use District allows larger scale development only when controlled by the Arlington Redevelopment Board through urban renewal plans and Environmental Design Review. Designation as a Multi-Use District requires a minimum of one acre of land.

B. I: Industrial District. The Industrial District allows uses requiring the manufacture, assembly, processing, or handling of materials which because of their traffic, noise, appearance, odor, or hazards would be disruptive to residential and other business uses. In this district, the Town discourages residential uses, retail business uses, or uses which would otherwise interfere with the intent of this Bylaw. Mixed-use development is allowed without residential space by Special Permit.

C. T: Transportation District. In the Transportation District, the principal uses are bus terminals, open space uses, and the Minuteman Bikeway. Uses in conflict with these allowed uses or which otherwise interfere with the intent of this Bylaw are prohibited.

D. PUD: Planned Unit Development District. The Planned Unit Development District provides for large scale, multi-use development upon approval of a development plan and the assembly of a large amount of land.

E. OS: Open Space District. The Open Space District includes parcels under the jurisdiction of the Park and Recreation Commission, Conservation Commission, Arlington Redevelopment Board, Massachusetts Department of Conservation and Recreation (DCR), or Massachusetts Bay Transportation Authority (MBTA). Structures, where present, are clearly accessory to the principle open space and recreation functions of the property.

5.6.2. Dimensional and Density Regulations

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the MU, I, T, PUD, and OS districts. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

A. Tables of Dimensional and Density Regulations

Other District Lot Regulations

	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft)/ Lot Width
MU	40,000	-----	-----
I, OS	-----	-----	-----
T	6,000	-----	60
PUD	200,000	-----	-----

Other District Yard and Open Space Requirements

	Minimum Requirement		
	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
MU	(H+L)/6[A]	(H+L)/6[A]	(H+L)/6[A]
I	10	10	10
T	25	10	20
PUD	[B]	[B]	[B]
OS	-----	-----	-----

[A] Not less than 30 feet.
[B] Buildings may be built to any street line provided the street exceeds 60 feet in width or the zoning on the opposite side of the street is not R2. In all other areas, buildings shall be set back one-quarter of the height of the average of principal buildings along the lot line but at least 25 feet from all front, side, and rear lot lines.

Other District Open Space and Lot Coverage

	Minimum/Maximum Requirement		
	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
MU	-----	-----	40%

	Minimum/Maximum Requirement		
I, T, OS	-----	-----	-----
PUD	Sec. 5.6.2(B)		-----
All permitted uses	30%	-----	-----
Mixed-use	-----	-----	-----

All Other District Maximum Height and Floor Area Ratio

	Requirement		
	Maximum Height (ft)	**Maximum height (stories)**	**Maximum Floor Area Ratio (FAR)**
MU	70[A,B]	-----	1.00
I	52/39	3 / 4[C]	1.50
T	35	2 ½	0.35
PUD	85	-----[D]	0.80
OS	-----[E]	-----[E]	-----

Notes:
[A] The maximum height in feet of any building or buildings may be modified by special permit of the Arlington Redevelopment Board under Section 3.4 of this Bylaw, provided that the total roof area exceeding either maximum height shall be equal to an equal roof area, within the part of the project to which the same height limit applies, that is less than the maximum height so that the total of the products of the horizontal roof area of all roofs times their respective heights shall not exceed the product of the horizontal area of the total roof times the applicable maximum height permitted in the district, and provided further that the height of any roof shall not exceed the applicable maximum height permitted in the district by more than 12 feet.
[B] See Section 5.3.20.
[C] Upper-story building setbacks required on structures with more than three stories. See Section 5.3.20.
[D] In a mixed-use building, residential uses shall be limited to five stories.
[E] Accessory buildings in the OS district shall be located on the property so as to not to detract from the primary goal of the open space use.

B. Special Open Space Regulations for Planned Unit Developments

The minimum open space regulations for planned unit developments are as follows:

(1) Apartments – 10% landscaped, 10% usable.

(2) Hotel/motels – 10% landscaped.

(3) Retail stores - None required around the building if an enclosed wall or arcade is provided facing each retail store. Without an enclosed wall or arcade, a minimum landscaped area of 10% shall be required.

(4) Office and professional buildings – 10% landscaped.

C. Sale or Lease of Lots in a Planned Unit Development

Upon completion of Environmental Design Review under Section 3.4, individual tracts of land in the Planned Unit Development of at least 30,000 square feet may be leased or sold for development in accordance with the approved Planned Unit Development site plan without the provision of new setbacks for front, side, or rear yards. Each tract or lot so leased or sold must make provision for a principal building, off-street parking, and open space or plaza area to serve it as required in the PUD district.

5.6.3. Use Regulations for MU, PUD, I, T, and OS Districts

Class of Use	MU	PUD	I	T	OS
Residential					
Single-family detached dwelling [A]	SP	Y			
Two-family dwelling, duplex [A]	SP	Y			
Three-family dwelling	SP	SP			
Townhouse	SP	SP			
Apartment building	SP	SP			
Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building		SP			
Single-room occupancy building		SP			
Group home	Y	Y			
Hotel/Motel		SP			
Assisted living residence	SP				
Dormitory *(Note: Permitted if associated with an educational or religious use)*	SP	SP			
Institutional, Educational					
Community center, youth club, adult education center, or similar facility operated by an educational, religious, or non-profit institution [B]	SP	SP			
Nonprofit, members-only private club or lodge	SP	SP	SP		
Hospital	SP				
Licensed nursing home	SP	SP			
Non-exempt educational use, e.g., trade, driving, music, dancing school		Y			
Library, museum, or art gallery open to the public and not conducted as a private gainful business. [B]		SP			
Agricultural					
Sales place for flowers as a principal not accessory use, garden supplies, agricultural produce, conducted outdoors or commercial greenhouse	Y	Y			
Farm, non-exempt, or market garden provided that all goods or produce sold are grown on the premises	Y	Y	Y	Y	
Public Recreational, Entertainment					
Conservation land	Y	Y	Y	Y	Y
Municipal or non-profit park, playground, or similar outdoor recreation facility	Y	Y	Y	Y	Y
Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation club, or facility not conducted as a private gainful business	SP	SP			
Municipal or non-profit recreation building	Y	Y	Y		
Municipal or non-profit enclosed entertainment and recreation facilities	SP	SP	SP		
Fire station	Y	Y	Y		
Police station	Y	Y	Y		
Town office building	Y	Y	Y		
Municipal public works yard and associated maintenance, storage, and office facilities		SP	SP		

Class of Use	MU	PUD	I	T	OS
Utility, Transportation, Communications					
Bus, rapid transit, railroad station		SP		SP	
Motor freight terminal			SP		
Essential services	SP	SP	SP	SP	SP
Radio or television studio or receiving facility; without wireless transmitting facilities	SP	Y	Y		
Municipal or other public parking area or structure	SP	SP	SP	SP	
Commercial parking or vehicle storage facility, with no repairs, services or sale of gasoline		SP		SP	
Residential surface parking lot serving residential uses in another district provided that: • The lot used for parking abuts the residential property it serves for at least 50 ft.; and • Both lots are under common ownership; and • The parking lot complies with the screening provisions of Section 6.1.		SP	SP		
Bikeway				Y	
Wireless Communication Facility					
In a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building			SP		
In building other than Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building	SP	SP	SP		
Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet	Y	Y	Y	Y	
Ground Mounded Solar Photovoltaic Installation			Y		
Commercial & Storage Uses					
Motor vehicle sales and rental, sale of auto parts, accessory storage in enclosed structure, provided neighborhood is protected from noise, fumes, gases, smoke and vapor		SP	SP		
Outdoor sales and storage of undamaged, operable automobiles		SP	Yes		
Auto repair garage, with no open storage of abandoned vehicles, body work or auto painting		SP	SP		
Car wash facility		SP	SP		
Automobile service station		SP			
Personal, Consumer, and Business Services					
Copy center or print shop for sheet-fed printing		Y	Y		
Bank, other financial service; <2,000 sq. ft.		SP			
2,000 sq. ft. or more, or any drive-up banking service		Y			
Personal service establishment		Y			
Hand laundry, dry cleaning, or tailor with more than 5 employees on site at the same time		Y			
Consumer service establishment (But SP in all districts for establishments with more than 5 employees on site at the same time)		Y	Y		
Funeral Home			Y		

Class of Use	MU	PUD	I	T	OS
Veterinary and animal care; accessory overnight boarding only for veterinary/medical care in an enclosed building			Y		
Eating & Drinking Establishments					
Restaurant					
< 2,000 sq. ft. gross floor area	SP	Y	SP		
=> 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more	SP	SP			
Restaurant, Fast-Order Food					
< 1,500 sq. ft.		Y			
=> 1,500 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more		SP			
Catering service		SP	Y		
Retail					
Retail, general, >3,000 sq. ft. of gross floor area		SP			
Retail, local; <3,000 sq. ft. or gross floor area		Y			
Manufacture, assembly, packaging of goods where at least 50% of goods are sold at retail primarily on the premises					
<1,000 sq. ft.		SP	SP		
=>1,000 sq. ft.		Y	Y		
Office Uses					
Including but not limited to professional, business, or medical or dental offices					
• Less than 3,000 sq. ft. gross floor area per building	SP	Y	Y		
• 3,000 sq. ft. or more gross floor area per building	SP	SP	SP		
• Office, display or sales space providing not more than 25% of floor space is used for assembling, packaging and storing commodities		Y	Y		
• In an existing building originally designed for single- or two- family residential use, if the building retains its residential appearance and is on a street with ROW width at least 50 ft.	SP	SP	SP		
Wholesale Business & Storage					
Wholesale business in enclosed facility			Y		
Office, display or sales space of a wholesale, jobbing, or distributing establishment provided that no more than 25% of floor space is used for assembling, packaging and storing of commodities		Y	Y		
Wholesale storage and sale of flammable liquid, or wholesale business conducting at least half of the business at retail on the premises			SP		
Storage of vehicles			SP		
Storage of fluid (other than water)			SP		
Open storage of raw materials, finished goods, or equipment			SP		
Commercial Entertainment, Amusement, Assembly Uses					
Enclosed entertainment and recreation facilities not conducted as a private for-profit business	SP	SP	SP		
Enclosed entertainment and recreation facilities conducted for profit	SP	SP	SP		

Class of Use	MU	PUD	I	T	OS
Indoor Motion Picture Theater		SP			
Enclosed entertainment and recreation facilities not for profit	SP	SP	SP		
Research, Laboratory, Related Uses					
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area.		SP	SP		
Research and development establishment		SP	Y		
Light Industry					
Laundry or dry cleaning plant			Y		
Printing, binding, engraving plant			Y		
Industrial services such as machine shop, plumbing, electrical or carpentry shop or similar service			Y		
Contractor's yard			Y		
Stone cutting, shaping, finishing in enclosed facility			Y		
Auto body shop; all work carried out inside the building			SP		
Truck service and repair			SP		
Light manufacturing			SP		
Other Principal Uses					
Artisanal fabrication	SP	SP	Y		
Artistic/creative production	SP	SP	Y		
Mixed-use	SP	SP	SP		
Accessory Uses					
Renting of up to three rooms			Y		
Accessory private garage for noncommercial motor vehicles	Y	Y	Y		
Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard		Y	Y		
Accessory structure not used as part of business	Y	Y	Y	SP	
Home occupation [C]	Y	Y	Y		
Family child care	SP	Y			
Physician's or Clergy's office within a residence with up to 1 nonresident employee	Y	SP	Y		
Accessory retail, office, or consumer service use in an apartment dwelling over 20,000 sq. ft. in gross floor area, provided: all activities are located on the first floor or basement floor levels, such uses shall not occupy more than 2,000 sq. ft.; all materials, goods, and activities in connection with said uses shall be confined completely within the building	Y	Y	SP		
Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building	Y	Y	Y		
Accessory off-street parking and loading spaces conforming to the provisions of Section 6.1	Y	Y	Y	SP	
The storage or keeping of not more than one commercial vehicle:					
• In a private garage accessory to a dwelling if owned or used by a person residing in such	Y	Y	Y		

Class of Use	MU	PUD	I	T	OS
dwelling					
• Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling		Y	Y		
• Parking of not more than 4 commercially-owned shared vehicles	Y	Y	Y		
• Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town		Y	Y		
Outdoor storage of not more than 3 vehicles damaged or inoperative due to collision			SP		
Temporary food or beverage concession for profit at an event		Y	Y	SP	
Other accessory use customarily incidental to primary use	SP	SP	SP	SP	
Activities accessory to a permitted use that are necessary in connection with scientific research		SP	SP		
Up to three dwelling units in a building containing a business or service use		SP			
Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use	SP	Y			
Catering service		Y	Y		

Notes

[A] Six or more units on one or more contiguous lots requires a special permit.
[B] But permitted by right if accessory to a use exempt under G.L. c. 40A, § 3.
[C] Requires a special permit if home occupation serves customers or pupils on the premises. See Section 5.8.

5.7 FLOODPLAIN DISTRICT

5.7.1. Purposes

The purpose of Section 5.7 is to:

A. Protect the health and safety of the occupants of lands subject to seasonal or periodic flooding in the Mill Brook, Alewife Brook, Mystic River, and Mystic Lakes floodplain, as shown on the zoning overlay map of the Town of Arlington.

B. Prevent the reduction of the water-carrying capacity of streams, brooks, rivers, and drainage courses by prohibiting the destruction or alteration of their natural character, and by preventing encroachment by future development, both public and private, in the floodway. A floodway includes the normal channel of a river or stream and those portions of the floodplains adjoining the normal channel which are reasonably required to carry off the flood flow.

C. Preserve the natural flood control characteristics and the water storage capacity of the floodplain.

D. Protect the public from hazard and loss through the regulation of future development of lands adjoining such watercourses.

E. Protect the safety and purity of water; control and containment of sewage; safety of gas, electric, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting, electrocuting or any other dangers due to flooding.

5.7.2. **Boundaries**

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Arlington designated a Zone A, AE and X on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NDIP). The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Arlington include the following panel numbers: 25017C0412E, 25017C0416E, 25017C0419E, dated June 4, 2010 (Scale 1"=500'). The exact boundaries of the District may be defined by the 1% annual (100 year flood) base flood elevations shown on the FIRM and further defined by the Middlesex County Floor Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Department of Planning and Community Development and Conservation Commission.

5.7.3. **Applicability**

A. Any proposed use, structure, development, filling, grading, or excavation within the Floodplain District shall be governed by all regulations of this Section 5.8, G.L. c. 131, § 40, Wetlands Protection Regulations of the Town Bylaws (Title V, Article 8), Department of Environmental Protection (DEP) 310 CMR 10.00, Inland Wetlands Restriction (DEP) 310 CMR 13.00, and the section of the State Building Code that addresses floodplain areas, and shall require a building permit. The extent of the Floodplain District shall be determined by the Conservation Commission.

B. The phrase, "Board of Appeals or Arlington Redevelopment Board, as applicable", shall mean "subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.4, Environmental Design Review".

5.7.4. **Setback from Open Stream**

A building or structure, except for a retaining wall, wharf, fence, or bridge, may be set back less than 15 feet by special permit from the Board of Appeals, following consultation with the Arlington Conservation Commission.

5.7.5. **Use Regulations**

A. Prohibited Uses. No construction, development, or filling shall be permitted in the regulatory floodway as defined in the Middlesex County FIRMS.

B. Permitted Uses. The following uses are permitted in the Floodplain District:

(1) The following outdoor uses shall be permitted as of right provided no buildings or structures are erected:

- Sales place for flowers as a principal use, garden supplies, agricultural produce, conducted partly or wholly outdoors, commercial greenhouse or garden

- Farm (except the raising of livestock or poultry, if the farm is on less than five acres of land) or market garden but, unless otherwise exempt under state law, in no case, shall goods or produce be sold that are not the natural products of the premises in question
- Park, playground, or other outdoor recreational facility not conducted as a private business
- Country, fishing, tennis, swimming, skating, golf club or other outdoor recreation facility not conducted as a private business
- Wildlife management areas
- Foot, bicycle, or horse paths

(2) For single-family detached dwellings, two-family dwellings, or duplex houses existing on the effective date of this Section is advertised (August 28,1975), the expansion of these (or their accessory) uses to a maximum of 15% of the lot coverage existing when this section is enacted, provided that such expansions conform to this Section 5 and do not constitute substantial improvement of a structure. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50% of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Structures erected or expanded under this Section 5.7 shall use construction materials and utility equipment that are resistant to flood damage, and construction methods and practices that will minimize flood damage.

C. Special Permit. The following shall require a special permit from the Board of Appeals or Arlington Redevelopment Board, as applicable.

(1) The proposed use, including filling or excavating, when combined with all existing uses, will not increase the water surface in the 1% base flood elevation.

(2) The proposed use shall comply with the regulations as amended in Massachusetts Wetlands Protection Regulations, Department of Environmental Protection (DEP), 310 CMR 10.00 and Inland Wetlands Restriction (DEP) 310 CMR 13.00 and in the Conservation Commission's Wetlands Regulations promulgated under the Arlington Wetlands Bylaw (Title V, Article 8).

(3) Base Flood Elevation Data is required for proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones.

The provisions of this subsection shall not apply to the reconstruction or repair of a structure unless it constitutes substantial improvements existing prior to August 28, 1975 after a fire or other casualty. However, major repairs shall use construction materials and utility equipment that are resistant to flood damage and construction methods and practices that will minimize flood damage.

(4) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

5.7.6. **Procedures**

A. Application. Applicants for a special permit shall be made to the Board of Appeals or the Arlington Redevelopment Board, as applicable, in accordance with its rules and regulations.

B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.

C. The Board shall not take final action on an application for a special permit until it has received a report from the Building Inspector, the Board of Health, the Conservation Commission, Town Engineer, and the Arlington Redevelopment Board (if applicable) or until 35 days have elapsed after receipt of such application and plans without submission of a report.

D. The Board may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.

E. No occupancy permit shall be issued for special permit uses under this Section until the Building Inspector and the Board of Health, the Conservation Commission, Board of Appeals, and Arlington Redevelopment Board have received a certified plan showing the foundation and flood elevations, elevations of the completed construction, and until all requirements of all permits are satisfied.

5.7.7. **Areas, Open Space, and Yard Regulations**

The portion of any lot within the Floodplain District may be used to meet the lot area, open space and yard requirements for the district in which the remainder of the lot is situated.

5.7.8. **Exemptions**

A. Where a proposed use is determined to fall within the limits of the Floodplain District and the applicant determines that the location is not included in the definition of the Floodplain District, said use may be exempt by the Board of Appeals or Arlington Redevelopment Board, as applicable, from the provisions of this section if the applicant provides sufficient evidence for the applicable Board to determine that the land in question should not be subject to the provisions of this Section.

B. If it is determined that an area of significant size should no longer be included within the Floodplain District due to a natural or man-made event which has altered the boundary, the floodline determining the boundaries of the Floodplain District may be changed with approval from Town Meeting provided the new floodline to be adopted has been established in accordance with accepted engineering practice and certified by a registered professional engineer.

5.7.9. **Notification of Alteration**

In a riverine situation, the Director of Planning and Community Development shall notify the following of any alteration or relocation of a watercourse:

- Chief Executive Officers in Adjacent Communities
- NFIP State Coordinator
 Massachusetts Department of Conservation and Recreation
 251 Causeway Street, Suite 600-700
 Boston, MA 02114-2104
- NFIP Program Specialist
 Federal Emergency Management Agency, Region I
 99 High Street, 6th Floor
 Boston, MA 02110

5.8 INLAND WETLAND DISTRICT

5.8.1. **Purpose**

The purpose of Section 5.8 is to:

A. Preserve and protect the streams, water bodies, and other watercourses, including wetlands, in the Town of Arlington.

B. Protect the health and safety of persons and property against the hazards of flooding and contamination.

C. Preserve and maintain the groundwater table for potential water supply purposes.

D. Protect the community against the detrimental use and development of lands adjoining such watercourses.

E. Conserve the watershed areas in Arlington for the health, safety, and welfare of the public.

5.8.2. **Definitions**

The Inland Wetland District is superimposed over any other district established by this Bylaw and includes the following areas:

A. All lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands. These include lakes, ponds and swamps.

B. All land area along all rivers, brooks, and streams for a horizontal distance of 25 feet from the center line thereof are included in the Inland Wetland District.

C. All lands designated on the zoning map as having a shallow depth to water table. These lands are the poorly and very poorly drained mineral soils, and very poorly drained soils formed in organic deposits. Poorly drained mineral soils have a water table at or near the surface for 7 to 9 months during the year. The water table remains at or close to the surface of very poorly drained mineral and organic soils throughout most of the year.

5.8.3. **Applicability**

Any proposed use to be located within the limits of the Inland Wetland District as determined by the Inspector of Buildings under Section 3.05 of this Bylaw shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.

5.8.4. **Permitted Uses**

Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:

A. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section 9.06 of this Bylaw.

B. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw became effective.

C. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued.

5.8.5. **Procedures**

Any person(s) desiring such a permit shall submit an application to the ZBA or, in cases subject to Environmental Design Review, to the ARB, which shall comply with the conditions and submittal requirement as listed in the following subsections. (Such conditions shall include, where applicable, approval by the Conservation Commission, the Massachusetts Department of Environmental Protection, and the Massachusetts Department of Public Works under Chapter 131 of the General Laws, acts relating to the protection of the inland wetlands of the Commonwealth.) The application procedure shall be the same as for special permits. Copies of the application for special permit with accompanying plans shall also be sent to the Inspector of Buildings, Board of Health, the Conservation Commission, Town Engineer, and, if applicable, the ARB for their recommendations as to their approval, disapproval or appropriate recommendations.

5.8.6. **Development Conditions**

A. For the development of land within the Inland Wetland District, the following conditions shall apply:

(1) A minimum of six test borings to a minimum depth of eight (8) feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than 10 feet. A report by a soil scientist or qualified engineer shall accompany the test data.

(2) The floor level of areas to be occupied by human beings as living or work space shall be four (4) feet above the seasonal high water table and not subject to periodic flooding.

(3) If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.

(4) Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high runoff.

B. The developer shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting or electrocuting; shall not obstruct or divert flood flow; substantially reduce natural floodwater storage capacity; destroy valuable habitat for wildlife; adversely affect groundwater resources or increase storm water run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.

5.9 SUPPLEMENTAL REGULATIONS FOR PERMITTED USES

5.9.1. Home Occupation

A. In any Residential District, a home occupation is permitted if all the following conditions are met:

(1) No nonresident shall be employed therein.

(2) Not more than 25% of the existing gross floor area of the dwelling unit in the principal building, not to exceed 600 square feet, is devoted to the home occupation, and no stock in trade, commodities, or products shall occupy space beyond these limits.

(3) There shall be no display of goods or wares visible from the street.

(4) All advertising devices visible from off the lot are specifically prohibited.

(5) The buildings or premises occupied shall not have a detrimental impact on the neighborhood due to exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a structure containing more than one dwelling unit, the use shall not become objectionable or detrimental to any residential use within the structure.

(6) Any such building shall include no feature of design not customary in buildings for residential use.

B. Where permitted or allowed by special permit in the use regulations, a physician may operate an office from the physician's residence with up to one nonresident employee.

SECTION 6. SITE DEVELOPMENT STANDARDS

6.1 OFF-STREET PARKING

6.1.1. Purposes

The purposes of this Section 6.1 are to:

A. Provide for safe and convenient vehicular parking areas and delivery areas;

B. Promote safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners;

C. Promote off-street parking in the Residence Districts in a manner that preserves, to the extent possible, landscaped front yards by allowing the use of a front yard for off-street parking only under exceptional circumstances.

6.1.2. Applicability

No land, building, or structure shall be used or changed to a category of greater parking demand, determined in accordance with the Table of Off-Street Parking Regulations below, except in accordance with this Section 6.1.

6.1.3. Administration

A. This Section 6.1 shall be administered by the Building Inspector for a use or activity that requires neither a special permit from the Board of Appeals nor Environmental Design Review by the Arlington Redevelopment Board. Where the phrase, "Board of Appeals or Arlington Redevelopment Board, as applicable," appears in this Section 6.1, it shall mean "subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.4, Environmental Design Review".

B. After the effective date of this Bylaw, off-street parking space shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use, or any change in an existing use in accordance with the Table of Off-Street Parking Regulations, and the other requirements contained in this Section 6.1.

6.1.4. Table of Off-Street Parking Regulations

The minimum number of off-street parking and loading spaces shall be as set forth in the following table. Off-street parking requirements for a use not specifically listed below shall be as determined by the Building Inspector based on a listed use of similar characteristics of parking demand generation.

Use	Minimum Number of Spaces
Residential Uses	
Single-, two-, or three-family dwelling	1 space per dwelling unit

Use	Minimum Number of Spaces
Apartment building	1 space per efficiency dwelling unit; 1.15 space per 1-bedroom dwelling unit, 1.5 spaces per 2-bedroom dwelling unit, and 1 space per 5 units of public elderly housing
Assisted living residence	0.4 spaces per dwelling unit
Single-room occupancy building	1 per unit Any bedroom or group of 2 beds in a single room
Group home	2 spaces per 4 residential rooms
Business or Industrial Use	
Auto sales, similar retail and service establishments with extensive display areas that are unusually extensive in relation to customer traffic	1 space per 1,000 sq. ft. of gross floor area For outdoor display areas, 1 space per 1,000 sq. ft. of lot area used for these purposes
Hotel/motel	1 space per sleeping room, plus 1 space per 400 sq. ft. of public meeting area or restaurant space
Other retail or service use	1 space per 300 sq. ft. of gross floor area
Offices, including professional, business	1 space per 500 sq. ft. of gross floor area
Wholesale or storage establishment, warehouse	1 space per 1,000 sq. ft. of gross floor area
Manufacturing or industrial establishment	1 space per 600 sq. ft. of gross floor area or 0.75 spaces per employee of the combined employment of the two largest successive shifts, whichever is greater
Medical, dental office or clinic, or office of other health care providers	4 spaces per physician, dentist, practitioner
Institutional, Educational Use	
Hospital	2.25 spaces per bed of design capacity
Nursing home	1 space per 4 beds of design capacity
Business, trade, or industrial school or college	1 space per 200 sq. ft. of gross floor area in classrooms and other teaching stations, plus spaces for gymnasium or auditorium, whichever has the larger capacity, as specified in this table
Other school	2 spaces per classroom in elementary and middle school or junior high school facility; 4 spaces per classroom for a high school, plus spaces for gymnasium or auditorium, whichever has the larger capacity, as specified in this table
Public, Recreational or Entertainment	
Community facility or municipal facility	1 space per 3 employees on the largest shift
Theater, restaurant, gym, auditorium or similar place of public assembly with seating facilities	1 space per 4 seats of total seating capacity. Seasonal outdoor seating for restaurants shall not count toward total seating capacity
Health club or indoor athletic facility	1 space per 300 sq. ft. of gross floor area
Utility, Transportation, Communications	
Public utility	1 space per 400 sq. ft. of gross floor area devoted to office use, 1 space per 800 sq. ft. of gross floor area for other use

Use	Minimum Number of Spaces
Transportation terminal	1 space per 600 sq. ft. of gross floor area
Other Uses	
Mixed-use	Sum of uses computed separately
Any other use permitted in this Bylaw	Closest similar use as shall be interpreted to be covered by this table, as determined by the Building Inspector

6.1.5. Parking Reduction in Business, Industrial, and Multi-Family Residential Zones

The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the reduction of the parking space requirements in the R5, R6, R7, and Business and Industrial Zones to 25 percent of that required in the Table of Off Street Parking Regulations if the proposed parking is deemed adequate and where Transportation Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the special permit granting authority. Methods to reduce parking on site may include but are not limited to:

A. Shared Parking: To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses. In these cases, the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient.

B. Off-site Parking. An applicant may use off-site parking to satisfy their parking requirements as provided in Section 6.1.10. The applicant shall document efforts to promote use of off-site parking by customers, residents, or employees.

C. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single Occupant Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must employ at least three TDM methods described below:

(1) Charge for parking on-site;

(2) Pay a stipend to workers or residents without cars;

(3) Provide preferential parking for carpooling vehicles;

(4) Provide a guaranteed emergency ride home;

(5) Provide transit pass subsidies;

(6) Provide covered bicycle parking and storage;

(7) Provide bicycle or car sharing on site;

(8) Provide showers for business or industrial uses;

(9) Other means acceptable to the applicable special permit granting authority

6.1.6. **Table of Off-Street Loading and Unloading Regulations**

The off-street loading and unloading requirements in the Table of Off-Street Loading Regulations shall apply to any nonresidential use. The Board of Appeals or Arlington Redevelopment Board, as applicable, may reduce the loading requirements, including the size of the loading space, if it finds that so doing will not be detrimental to the structure or surrounding uses.

Use	Minimum Number of Loading Spaces per Sq. Ft. Gross Floor Area
Retail, Personal, Consumer, and Business Services, Restaurants	5,000 - 20,000 = 1 20,001 - 50,000 = 2 50,001 - 100,000 = 3 plus 1 for each 100,000 (or fraction) over 100,000
Manufacturing or Industrial, Utility, Transportation, Communications, Wholesale or Storage, Wholesale Business, Storage Facility	5,000 - 20,000 = 1 20,001 - 40,000 = 2 40,001 - 120,000 = 3 120,001 - 200,000= 4 plus 1 for each 100,000 (or fraction) over 200,000
Institutional, Educational, Public, Recreational, and Entertainment, Office Uses	5,000 - 50,000 = 1 50,001 - 100,000 = 2 100,001 - 150,000= 3 plus 1 for each 150,000 (or fraction) over 150,000

6.1.7. **Existing Spaces**

Parking or loading spaces being maintained in any District for any existing use on the effective date of this Bylaw, or any spaces subsequently provided in accordance with this Bylaw, shall not be decreased or in any way removed from service to the use originally intended to be served so long as the use remains, unless a number of parking or loading spaces is constructed elsewhere on property under the same ownership. However, this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables in this Section 6.1.

6.1.8. **Computation of Spaces**

When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction of one-half or more shall require one space.

6.1.9. **Combined Facilities**

Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, provided there is a legally enforceable shared parking agreement executed by all parties concerned and approved by the Board of Appeals or Arlington Redevelopment Board, as applicable, as part of the special permit process and recorded with the Middlesex South Registry of Deeds.

6.1.10. **Location of Parking Spaces**

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve, or when practical difficulties prevent their establishment on the same lot, they shall be established no further than 600 feet from the premises they serve, subject to approval by the Board of Appeals or Arlington Redevelopment Board, as applicable. Such spaces may be located outside or within a structure designed as a public or private garage. Projects subject to Section 3.4, Environmental Design Review, may provide parking off-site within 600 feet where it can be shown that a long-term, legally enforceable agreement has been made to secure off-site parking.

A. Parking in Residential Districts. For single-family, two-family or duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front setback except on a driveway not exceeding 20 feet in width leading to the required parking space(s). Off-street parking is permitted in (1) the side yard and rear yard on a paved driveway, or in the case of a corner lot of less than 6,000 square feet in the longer of the two front yards, up to a maximum of 24 feet in width, or (2) in an attached or detached garage, or (3) within the foundation of a dwelling provided the garaging is specifically designed for that purpose. Any driveway leading to off-street parking on a lot cannot exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space. Side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes, to minimize visual impacts.

 For single-family, two-family or duplex, and three-family dwellings in R0, R1, R2, R3 and R4 districts, not more than one driveway shall be permitted unless there is a finding by the Board of Appeals (or Arlington Redevelopment Board, if it is the special permit granting authority for the development) that a second driveway or a driveway that makes more than one intersection with the street may be added in a manner that avoids an undue concentration of population, allows adequate provision of transportation, and conserves the value of land and buildings in the vicinity. In no case may a second driveway for a single-family, two-family or duplex, or three-family dwelling violate any other dimensional or density regulations for the district in which it is located. For single-family, two-family or duplex, and three-family dwellings in R0, R1, R2, R3, and R4 districts, not more than two driveways are permitted.

B. Parking in Commercial Districts. For properties located in the Business Districts, no parking shall be permitted in the front yard nor shall any driveways directly in front of a structure be permitted without a finding by the Board of Appeals or Arlington Redevelopment Board, as applicable, that the parking or driveway is necessary and convenient to the public interest.

C. For Mixed-Use development, the first 3,000 square feet of non-residential space is exempt from the parking requirements of this Section 6.1.

D. Public Parking Lots. The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the substitution of space within public parking lots in lieu of parking requirements of this Section 6.1 provided they are located within 1,000 feet of the building to be served.

E. Location of Loading Spaces. The loading spaces required for the uses listed in the Table of Off-Street Loading and Unloading Regulations shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.

6.1.11. **Parking and Loading Space Standards**

A. A parking space may be inside or outside a structure and shall be for the exclusive use of one motor vehicle. Spaces entered from the front or rear, and stacked spaces, shall have minimum dimensions of 8.5 feet by 18 feet. Compact car parking spaces permitted in accordance with Paragraph C(11) below shall be at least 8 feet by 16 feet. For parallel parking, a space shall have minimum dimensions of 8 feet by 22 feet, except that such spaces which are open and unobstructed at one end may be only 18 feet in length. In residential side yards, the width of a parking space may be the width of the side yard, but in no case less than 7.5 feet.

B. Parking areas with five spaces or less shall be surfaced with a permanent pervious or impervious material or binder.

C. All parking and loading areas containing over five spaces, including automotive and drive-in establishments of all types, shall be paved and subject to the following:

(1) The parking and loading areas and access driveways shall be surfaced with pervious or impervious material and shall be graded and drained to dispose of all surface water accumulation in accordance with acceptable engineering practices and shall be subject to approval by the Town Engineer. The location of spaces shall be suitably marked by painted lines or other appropriate markings.

(2) A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways to protect abutting structures, properties and sidewalks and screening materials.

(3) Each required off-street parking space shall have direct access to an aisle or driveway having a minimum width of 24 feet in the case of two-way traffic or the following widths in the case of one-way traffic only:

Angle of parking	Minimum aisle width
Parallel	12 ft
30 deg	11 ft
45 deg	13 ft
60 deg	18 ft
90 deg	24 ft

(4) Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.

(5) No business operation for vehicle repair, gasoline or oil service facilities, or any repair to any motor vehicles shall be conducted except on a lot occupied by a permitted automotive use. Any accessory gasoline or oil facilities shall be at least 25 feet from any lot line.

(6) Except for duly authorized yard sales, the storage of materials or equipment or display of merchandise within the required parking area is prohibited.

(7) Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of an intersecting street.

(8) Any two driveways leading to or from a street, or to or from a single lot, shall not be within 30 feet of each other at their intersections with the front lot line for an interior lot and 40 feet from the intersection of the lot line with the street right-of-way for a corner lot.

(9) Any entrance or exit driveway shall not exceed 24 feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the width may be increased to 40 feet.

(10) In R0, R1, R2, R3, and R4 zones, the Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a special permit to allow the reduction of the parking space requirements to 80% of that required in the Table of Off-Street Parking Regulations where conditions unique to the use reasonably justify such a reduction.

(11) The Board of Appeals or Arlington Redevelopment Board, as applicable may grant a special permit allowing up to 20% of the spaces in a parking lot or garage to be sized for compact cars.

D. All parking and loading areas containing over five spaces which are not inside a structure shall also be subject to the following.

(1) The surfaced area shall be set back at least 10 feet from front lot lines and from all lot lines of abutting property used for residential purposes; however, for side and rear lot lines the setback need only be five feet if the setback includes a solid wall or solid wooden fence, five to six feet in height complemented by suitable plantings. In no case shall the paved area be set back from the front lot line a distance less than the minimum front yard setback for the district, nor from a side or rear lot line a distance less than the minimum buffer width required in the Density and Dimensional Regulations of the district. Where deemed appropriate by property owner, acceptable to immediate abutters, and approved by the Building Inspector, another wall or fence height or fence type may be substituted for the required wall or fence.

(2) The area shall be effectively screened with suitable planting or fencing on each side that faces abutting lots used for residential purposes. The screening

shall be within the lot boundaries and at least five feet and not more than six feet high. Parking areas and access driveways accessory to any multi-family dwelling shall be separated from the building by a buffer strip of green open space not less than five feet wide and suitably planted.

(3) The area within the setback from the front lot line shall be landscaped and shall contain a compact hedge, fence, or berm at least three feet high, placed parallel to the street except within 10 feet of driveways.

(4) Parking shall not be located within the required front yard area in any district.

(5) Parking and loading spaces other than those required for single-family and two-family dwellings shall be so arranged to avoid backing of vehicles onto any street.

(6) Parking areas providing more than 25 spaces shall include landscaped areas in at least 8% of the total paved portion of the parking area. Minimum required landscaped setbacks and buffers at the perimeter of the parking area shall not be counted toward the landscaping requirement of this paragraph. Individual strips of landscaping shall be at least four feet wide.

E. The landscaping standards of Section 6.1.11 may be modified to increase capacity for parking lots if both of the following conditions are satisfied as findings of a special permit:

(1) Reasonable alternative measures have been taken to meet the intent of these standards: to minimize traffic congestion entering and within parking lots, separate parking from pedestrian spaces, provide adequate drainage, screen parking lots from adjacent, residential uses and from street frontages (preferably with landscaped spaces), and facilitate snow removal and storage; and

(2) All landscaped space required by this section is provided at some location in the parking lot, including required landscaping which may be lost in setbacks reduced in size by the provisions of this subsection.

6.1.12. **Bicycle Parking**

A. Bicycle parking spaces shall be provided for any development subject to Section 3.4, Environmental Design Review and any use requiring eight or more vehicle parking spaces under Section 6.1.4. The bicycle parking requirement will be determined based on the number of motor vehicle parking spaces which have been permitted by the Board of Appeals or Arlington Redevelopment Board, as applicable. The requirements of this section may be modified by the applicable Board if it finds that for the use and location, a modification is appropriate and in the best interest of the town.

B. When bicycle parking is required, there will be one bicycle parking space per 15 motor vehicle spaces under Section 6.14. The computed number of bicycle parking spaces will be rounded up to the nearest whole number of bicycle spaces. Bicycle parking spaces shall be provided in addition to motor vehicle parking spaces.

C. When bicycle parking is required, there will be a minimum of two spaces provided, and not more than 20 bicycle spaces will be required at a single site.

D. A bicycle rack or bicycle storage fixture or structure shall accommodate a bicycle six feet in length and two feet wide. Bicycle racks or storage fixtures must be secured against theft by attachment to a permanent surface. Bicycle parking apparatus shall be installed in a manner that will not obstruct pedestrian or motor vehicle traffic.

E. To the extent feasible, bicycle parking shall be separated from motor vehicle parking to minimize the possibility of bicycle or auto damage.

F. The following uses are exempt from bicycle parking requirements: places of worship, cemetery, funeral home, automotive repair shop, car wash, or gas station.

6.2 SIGNS

6.2.1. Purpose

The purpose of this Section 6.2 is to:

A. Prevent hazards to vehicular and pedestrian traffic;

B. Prevent conditions which have a blighting influence and contribute to declining property values;

C. Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity;

D. Preserve the amenities and visual quality of the town and curb the deterioration of the community environment; and

E. Maintain public safety, consistent with constitutional requirements protecting freedom of speech.

6.2.2. Applicability

All outdoor signs and window signs are subject to the regulations of this Section 6.2 unless specifically excluded herein. No signs shall be hereinafter constructed, maintained, or permitted except in accordance with this Section.

6.2.3. Administration

The Building Inspector shall have authority to issue sign permits under this Section 6.2. Where the phrase, “Board of Appeals or Arlington Redevelopment Board, as applicable,” appears in this Section, it shall mean “subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.5, Environmental Design Review”.

6.2.4. General Regulations

The provisions of Sections 6.2.4 shall be the general controlling section for all signs. Specific regulations by zoning district are set forth in Sections 6.2.9.

A. Any traffic, directional, informational, educational, or identification sign owned and installed by a governmental agency shall be permitted, including, notwithstanding any other provision of this Bylaw, promotional, informational, or directional signage placed by the Town relative to historic sites. Acknowledgement of any commercial sponsorship on these signs shall not exceed 3% of the sign area.

B. A sign (including interior window displays or banners, either temporary or permanent) or its illuminator shall not because of its location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic marking.

C. No red or green lights shall be used on any sign if, in the opinion of the Building Inspector with the advice and consent of the Police Chief, the light would create a driving hazard.

D. No sign shall be illuminated between 12:00 AM and 6:00AM, except signs identifying police or fire stations or hospitals, and except signs on premises open for business during that time.

E. All illumination shall be either interior and non-exposed by a window or exterior and shielded and directed solely at the sign and shall be steady and stationary and of reasonable intensity, except that interior illumination is prohibited for bracket signs. Signs fabricated with letters, numbers, designs, or images consisting of a visible light source emitted from the face of the sign, including but not limited to incandescent and fluorescent bulbs, LED price signs, LED and digital displays, and neon tubes, are prohibited.

F. In buildings where the first floor is substantially above grade and the basement is only partially below street grade, one sign for each level is allowed if each sign has only one half the square footage of sign area as would be permitted for a single sign.

G. The limitations as to the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, or visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the name of any business or product and shall not exceed one square foot in area.

H. One informational sign up to four square feet in area, indicating the existence of, and meeting time and place of an Arlington civic organization, may be erected only after the granting of a special permit. The exact size, design, content, and location shall be determined in the special permit. Signs of several service organizations may be consolidated into one sign, in which case the maximum sign area shall be limited to four square feet times the number of organizations listed on the sign.

I. Two signs identifying churches, synagogues, and other similar religious uses are permitted on each street frontage, one of which may not exceed 20 square feet in area and one which may not exceed 10 square feet in area. One sign may be free-standing and may be used for church notices and announcements of services and events conducted on the premises.

J. One sign, up to one square foot in area, is allowed per residence indicating the name and address of the occupants.

K. In any district, one sign is allowed for each of the following, provided it shall not exceed six square feet in area and shall be located on the face of the building or free-standing and set back at least 10 feet from the lot line:

(1) Membership club

(2) Community facility

(3) Funeral establishment

(4) Public utility

(5) Place of public assembly

(6) Premises for sale or lease

L. A construction project sign indicating the name of the engineer, architect, and contractor or other firms associated with the project, provided it does not exceed 32 square feet in area.

M. One temporary sign is allowed per establishment for a period not to exceed 60 days, providing the sign does not exceed the size of the maximum allowed for the site in the district in which it is located. No more than one temporary sign permit may be issued for a site in a calendar year. Before a temporary sign (other than a temporary sign placed in a window) shall be erected, there shall a deposit left with the Building Inspector for each sign. The deposit shall be refunded only upon the removal of the sign. Temporary signs larger in size or displayed more often than allowed by this bylaw may be authorized for public or charitable purposes.

N. A sign area larger than that specifically allowed in this Section 6.2.1 is allowed by special permit under Section 6.2.11.

O. In any district that allows wall signs, a structure may have no more than two of the following categories of signs: wall sign, window sign, and awning sign.

P. The lettering on any sign indicating that a business is open or closed may not exceed six inches in height.

Q. Notices in compliance with Title V, Article 1 of the Town Bylaws are allowed in any District.

6.2.5. **Prohibited Signs**

The following signs shall not be permitted, constructed, erected, or maintained.

A. Signs which incorporate in any manner flashing, moving, or intermittent lighting, excluding public service signs showing time and temperature.

B. Wind signs, including banners, pennants, spinners, streamers, and other wind-actuated components.

C. String lights used in connection with commercial premises with except for temporary lighting for holiday decoration.

D. Any sign which advertises a business no longer in existence, or a product or service no longer sold.

E. Portable signs.

F. Window signs which cover more than 25% of the area of the window.

G. Signs for home occupations.

H. Signs, except awning signs, painted or posted directly on the exterior surface of any wall.

I. Signs that obstruct any door, window or fire escape on a building.

J. Signs constructed, erected, or maintained on the roof of any building.

K. Signs which project over a public right-of-way, except for wall signs which may project no more than 12 inches from a building face, and with the further exception of bracket signs in the B3 and B5 zoning districts.

L. Signs in the R, B1 and OS districts containing a registered trademark or portraying a specific commodity for sale. In all other districts, signs which contain a registered trademark or portray a specific commodity for sale occupying more than 10% of the sign area, unless the registered trademark or commodity is the principal activity conducted therein.

6.2.6. **Signs Permitted in Any R District**

One unlighted, permanent sign for any permitted use except a residence or home occupation sign or signs controlled by Section 6.2.9 not to exceed four square feet in area and if a ground sign, set back not less than one half the depth of the front yard.

6.2.7. **Bed and Breakfast Signs**

A bed and breakfast or a bed and breakfast home in any zoning district may not have more than one permanent, unlighted sign, not to exceed four square feet in area, and if a ground sign, it must be set back not less than half the depth of the front yard.

6.2.8. **Signs Permitted in Any B, I, or PUD District**

A. One wall sign for each street or parking lot frontage of each establishment. Unless further limited by the provisions of Section 6.2.9, there shall not exceed a total of two permanent signs for any one business or industrial establishment, including freestanding signs but excluding window signs, directional signs, directories, marquees, and awnings.

B. One directory of the occupants or tenants of the building affixed at each entrance not exceeding an area determined as one square foot for each occupant or tenant.

C. One marquee sign for each public entrance to a theater provided that the marquee shall not be more than four feet overall in height.

D. One awning sign for each display window of a store.

6.2.9. **Special Controls by Zoning District**

A. Signs Permitted in B1, R6 and, R7 Districts. Not more than one accessory wall sign up to a maximum of 20 square feet in area, or ground sign up to a maximum of eight square per feet in area, per building except that in R6 and R7 districts, buildings which were originally designed for commercial use, may have one permanent wall sign not to exceed two feet in height, and if containing a trademark or if portraying a specific commodity for sale, such trademark or commodity shall not occupy more than 10% of the sign area, unless said trademark or commodity is the principal activity conducted therein.

B. Signs Permitted in B1 Districts. Not more than one accessory wall sign up to a maximum of 20 square feet in area, or ground sign up to a maximum of eight square per feet in area, per building.

C. Signs Permitted in Any B2 or T Districts. One permanent wall sign not to exceed two feet in height or a ground sign not to exceed 20 square feet in area and if containing a registered trademark or portraying a specific commodity for sale, such trademark or portrayal shall not occupy more than 10 percent of the sign area unless said registered trademark or commodity is the principal activity conducted therein.

D. Signs Permitted in Any B3, B5 I, or PUD Districts. One permanent wall sign for each street or parking lot frontage of each establishment, and if containing a registered trademark or portraying a specific commodity for sale, such trademark or commodity shall not occupy more than 10 percent of the sign area, unless said registered trademark or commodity is the principal activity conducted therein.

E. Signs Permitted in Any B3 and B5 Districts. One sign permitted in Sections 6.2.8 Subsection D above may be a bracket sign meeting the following dimensional requirements: a) no less than 8 feet clearance from ground level to bottom of the sign, b) no more than 15 feet high from ground level to top of the sign, c) the square footage of the sign shall be no larger than 12 square feet or the number of feet equal to half the façade length of the establishment on which the sign hangs, whichever is less, and d) the sign shall project no more than 50 inches from the face of the building. The area of the sign shall be calculated based on its maximum height and width. Bracket signs shall not be hung over a vehicular way, shall not extend above the building, and shall not extend beyond the curb line.

F. Signs Permitted in Any B2A or B4 Districts

(1) One permanent wall sign for each street or parking lot frontage of each establishment not to exceed 40 square feet and to conform to the "wall sign" provisions of this Section 6.2.

(2) One standing sign which does not exceed 24 square feet in lieu of the wall signs permitted in Subsection (F)(1) above. If a standing sign is provided, there may be one permanent wall sign which does not exceed 20% of the area of the standing sign.

(3) On property at any corner formed by intersecting streets, no free-standing sign shall be erected within that triangular area between the property lines and a diagonal line joining points on the lines 25 feet from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve at such corner and a diagonal line joining points on such tangents 25 feet from the point of their intersection.

(4) Where a single lot is occupied by more than one establishment, whether in the same structure or not, there shall not be more than one free-standing sign for each lot street frontage.

(5) At gasoline service stations, one standard sign is allowed for each gasoline pump, bearing in usual size according to state regulations, and usual form, the name and/or type of gasoline and the price thereof.

(6) If containing a registered trademark or portraying a commodity for sale, such trademark or commodity shall not occupy more than 10% of any sign area, unless said registered trademark or commodity is the principal activity conducted therein.

G. Signs Permitted in MU Districts

(1) One free-standing sign provided such sign is not more than four feet by six feet or 24 square feet in area and the top of the sign is not over 12 feet above the ground.

(2) One wall or standing sign for identification of each building provided the surface area of such sign of one side shall not be more than 10 square feet nor, if a standing sign, more than six feet above ground.

(3) Directional signs that point out parking lots and specific services provided they are not larger than one foot by three feet and provided the top of the sign is not more than four feet above the ground.

H. Signs Permitted in OS Districts

(1) One unlighted permanent freestanding sign for any permitted use, not to exceed four square feet in area and set back not more than 15 feet from the front property line.

(2) On properties which provide space and amenities for recreational, educational and organized social activities, a kiosk not to exceed 24 square feet may be substituted for a freestanding sign. Such a kiosk is intended to serve community needs; no material in the nature of commercial advertisement shall be a part of the kiosk with the exception of sponsorship acknowledgement which may not exceed 3% of the area of the kiosk.

6.2.10. **Sign Permits and Maintenance**

A. Applications for a sign permit to erect, install, place, construct, alter, move, or maintain a sign shall be submitted to the Building Inspector on forms provided by the Department of Inspectional Services.

B. Upon receipt of a complete application for a sign permit, the Building Inspector shall transmit a copy to the Director of Planning and Community Development for review and comment. The Director shall submit an advisory report with recommendations as to location, size, color, and lighting among others to the Building Inspector within 14 days of receipt of the application. Failure to submit a report within the 14-day period shall constitute no objection to the permit by the Department.

C. A sign permit shall be issued only if the sign complies or will comply with all applicable provisions of this Bylaw.

D. The Building Inspector is authorized to order the repair or removal of any sign and its supporting structure which in the judgment of the Building Inspector is dangerous or in disrepair, or which is erected or maintained contrary to this Bylaw.

6.2.11. **Special Permits**

A. Under certain circumstances, the Board of Appeals or Arlington Redevelopment Board, as applicable, may issue a special permit to allow more than the number of signs permitted under this Section 6.2, or signs of a greater size or in a location other than that specified in this Section 6.2 if the architecture of the building, the location of the building relative to the street, or the nature of the use being made of the building is such that an additional sign or signs of a larger size should be permitted in the public interest. In granting a sign special permit, the Board of Appeals or Arlington Redevelopment Board, as applicable, shall specify the size and location of the sign or signs and impose other terms and restrictions as it may deem to be in the public interest. However, in no case shall any sign permitted exceed a maximum of four feet times the linear face of the building front.

B. Submission requirements and procedures for a sign special permit shall be in accordance with Section 3.4 of this Bylaw and the rules and regulations of Board of Appeals or Arlington Redevelopment Board, as applicable.

6.2.12. **Nonconforming Accessory Signs**

Accessory signs or other advertising devices legally erected before the adoption of this Bylaw may continue to be maintained, provided, however, that:

A. No sign or other advertising device shall be permitted if it is, after the adoption of this Bylaw, enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatically changing messages), redesigned or altered in any way including repainting in a different color, except to conform to the requirements of this Bylaw; and

B. Any sign or other advertising device that has deteriorated to such an extent that the cost of restoration would exceed 35% of the replacement cost of the sign or other advertising device at the time of the restoration, shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw. Any exemption provided in this section shall terminate with respect to any sign or other advertising device which:

(1) Shall have been abandoned;

(2) Advertises or calls attention to any products, businesses, or activities which are no longer sold or carried on at the premises; or

(3) Shall not have been repaired or properly maintained within 30 days after notice to that effect has been given by the Inspector of Buildings.

6.2.13. **Nonaccessory Signs**

A. No person, firm, association, or corporation shall erect, display or maintain a billboard, sign, or other outdoor advertising device, except those exempted by G.L. 93, §§ 30 and 32.

B. No billboard, sign or other advertising device shall be erected, displayed, or maintained in any block in which one-half of the buildings on both sides of the street are used exclusively for residential purposes; except that this provision shall not apply if the written consent of the owners of the majority of the frontage on both sides of the street in such block is first obtained and is filed with the Division of Highways of the Department of Public Works of the Commonwealth of Massachusetts, together with the application for a Permit for such billboard, sign or other advertising device.

C. Not more than one nonaccessory sign shall be permitted on each lot. No nonaccessory sign shall be erected, constructed or maintained within 50 feet of another nonaccessory sign, unless said nonaccessory signs are on one structure and placed back to back.

D. No nonaccessory signs shall be erected in any R District and, except as specifically exempt by the applicable regulations of the Massachusetts Board of Outdoor Advertising, no nonaccessory sign shall be erected in any B or I district:

(1) On the premises of or within 300 feet of, a district, site, building, structure or object which is listed in the National Register of Historic Places in accordance with P. L. 89 665, 805.915 (1966) as amended;

(2) On the premises of or within 300 feet of any church, chapel, synagogue, school, public playground, hospital, municipal building (including without limitation town hall, fire and police stations and public library buildings, MBTA station), museum, public park or reservation, a permanently erected memorial to veterans or monument;

(3) Within 200 feet of the 100-year floodline of the Alewife Brook, Mystic Lake, Mystic River, Mill Brook, Spy Pond or any wetlands shown on the floodplain and wetland overlay of the Zoning Map of the Town of Arlington;

(4) Within a radius of one hundred 150 feet from the point where the centerlines of two or more public ways intersect;

(5) Exceeding a height of 30 feet measured from the ground surface;

(6) Upon the roof of any building;

(7) Exceeding an area of 300 square feet or one-half square foot per foot of lot frontage or, in the case of wall signs, of one-sixth of the area of said wall, whichever is smaller;

(8) Containing a sign face with a vertical dimension more than12 feet;

(9) Nearer than 100 feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight feet or a height of four feet;

(10) Nearer than 300 feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of 25 feet or a height of 12 feet; or

(11) In any event if such billboard, sign or other advertising device shall exceed a length of 50 feet or a height of 12 feet; except that the Selectmen may permit the erection of billboards, signs or other advertising devices which do not exceed 40 feet in length and 15 feet in height if not nearer than 300 feet to the boundary line of any public way.

E. No billboard, sign or other advertising device shall be erected, displayed or maintained without a permit from the Division of Highways of the Department of Public Works pursuant to the following provisions: Upon receipt from the Division of a notice that application for a permit to erect, display or maintain a billboard, sign or other advertising device within the limits of the town has been received by it, the Board of Selectmen shall hold a public hearing on the said application in the town, notice of which shall be given by posting the same in three or more public places in the said town at least one week before the date of the such hearing. A written statement as to the decision of the Board results thereof shall be forwarded to the Division within 30 days from the date of notice of the town that an application for a permit had been made. containing, In the event of a disapproval of the such application, the Board shall provide reasons for the disapproval within 30 days from the date of notice of the town that an application for such a permit had been made.

F. This Bylaw shall not apply to signs or other devices erected and maintained in conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter and provided further that this Bylaw shall not apply to billboards, signs or other advertising devices legally maintained, at the time of its approval by the Attorney-General, until one year from the first day of July following such approval.

SECTION 7. SPECIAL PERMITS

7.1 REMOVAL OF SAND, GRAVEL, QUARRY OR OTHER EARTH MATERIALS

No sod, loam, sand, gravel or quarry stone shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the State Building Code), except by permission of Board of Appeals.

SECTION 8. SPECIAL REGULATIONS

8.1 NONCONFORMING USES AND STRUCTURES

8.1.1. Applicability

A. Except as provided in this Section, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw (December 14, 2017). However, this Bylaw shall apply to any change or substantial extension of such use, or to a building permit or special permit issued after the first notice of said public hearing, or to any reconstruction, extension, or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, except where alteration, reconstruction, extension, or a structural change to a single family or two-family residential structure does not increase the nonconforming nature of said structure. Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood. It is the purpose of this Bylaw to discourage the perpetuity of nonconforming uses and structures whenever possible.

B. Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this Bylaw unless the use or construction is commenced within a period of not more than twelve months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

8.1.2. Nonconforming Uses

Unless the Board of Appeals has made the finding provided for in G.L. c. 40A, § 6 and Section 8.1.1 above:

A. Any nonconforming use, except for agriculture, horticulture, or floriculture, of any open space on a lot outside a structure, or of a lot not occupied by a structure, shall not be extended.

B. Any nonconforming principal use of a structure shall not be extended. However, any nonconforming use of structure may be changed to another nonconforming use by special permit provided the Board of Appeals finds that the new use is not a substantially different use and not more detrimental to the neighborhood than the existing use.

C. Any nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of 40% of the floor area of the existing structure.

D. Any nonconforming use which has been once changed to a permitted use shall not again be changed to another nonconforming use.

8.1.3. **Nonconforming Single-Family or Two-Family Dwellings**

A. Alteration, reconstruction, extension, or structural change to a single or two-family residential structure that does not increase the nonconforming nature of said structure shall be permitted.

B. No alteration, reconstruction, extension, or structural change to a single or two-family residential structure that increases the nonconforming nature of said structure shall be permitted unless there is a finding by the Board of Appeals that the proposed alteration, reconstruction, extension, or structural change will not be substantially more detrimental to the neighborhood.

8.1.4. **Nonconforming Structures Other Than Single-Family or Two-Family Dwellings**

Except as provided in Section 8.1.5 below, the following shall apply to nonconforming structures other than single-family or two-family dwellings.

A. Any nonconforming structure may be altered and the conforming use extended throughout the altered portion, provided that any resulting alteration shall not cause the structure to further violate the dimensional and density regulations of the district in which it is located.

B. No building area or floor area, where already nonconforming, shall be increased so as to create a greater non-conformity.

C. Any lawful nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.

D. Any nonconforming structure shall not be moved to any other location on the lot or any other lot unless every portion of the structure, the use thereof, and the lot shall be conforming.

E. Except as covered under Section 8.1.5 or Section 8.1.6, any structure determined to be unsafe may be restored to a safe condition, provided the work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and the restoration work shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit from the Board of Appeals or, in cases subject to Environmental Design Review in Section 3.4, the Arlington Redevelopment Board.

8.1.5. **Unsafe Structure**

Except as covered under Section 8.1.7, any structure determined to be unsafe may be restored to a safe condition, provided such work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and it shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit granted by the Board of Appeals, or in cases subject to Environmental Design Review, Section 3.4., the Arlington Redevelopment Board.

8.1.6. **Reduction or Increase**

A. Any lot, or open space on a lot, including yards and setbacks shall not be reduced or changed in area or shape so that the lot, open space, yard, or setback is made nonconforming or more nonconforming unless a special permit has been granted under Section 8.1.4 or Section 8.1.5. However, this section shall not apply in the case of a lot a portion of which is taken for a public purpose.

B. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.

C. Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number.

8.1.7. **Restoration, Abandonment, or Non-Use**

A. Any nonconforming structure or any structure occupied by a nonconforming use, which is damaged by fire or other natural cause, may be repaired or rebuilt according to the dimensions and floor area limitations of the original structure and used for its original nonconforming use or a conforming use. If such restoration is not started within one year of the cause of the damage, the repaired structure shall not be used except for a conforming use.

B. Any nonconforming use or structure which has been abandoned, demolished without reconstruction, or not used for a period of two years, shall lose its protected status and be subject to all provisions of this Bylaw; however, the Board of Appeals may grant a special permit to authorize the reestablishment of a nonconforming use or structure where such reestablishment shall not result in substantial detriment to the neighborhood.

C. A nonconforming use shall be considered abandoned when the premises have been devoted to another use, or when the characteristic equipment and the furnishing of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within two years unless other facts show intention to resume the nonconforming use.

8.2 AFFORDABLE HOUSING REQUIREMENTS

8.2.1. **Purposes**

The purpose of this Section 8.2 is to:

A. Promote the public health, safety and welfare by encouraging the expansion and improvement of the town's housing stock, especially its affordable housing;

B. Provide for a full range of housing choices for households of all incomes, ages, and sizes;

C. Minimize the displacement of lower-income Arlington residents; and

D. Increase the production of affordable housing to meet employment needs.

8.2.2. **Applicability**

The provisions of this Section 8.2 shall apply to all new residential development with six or more units subject to Section 3.4, Environmental Design Review, comprised of any or all of the following uses:

- Single-family detached dwelling
- Two-family dwelling
- Duplex dwelling
- Three-family dwelling
- Townhouse structure
- Apartment building
- Apartment conversion
- Single-room occupancy building

Any residential development of the uses listed above involving one lot, or two or more adjoining lots in common ownership or common control, for which special permits or building permits are sought within a two-year period from the first date of special permit or building permit application shall comply with the provisions of this Section 8.2.

8.2.3. **Requirements**

A. In any development subject to this Section 8.2, 15% of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw. For purposes of this Section 8.2., each room for renter occupancy in a single-room occupancy building shall be deemed a dwelling unit. In determining the total number of affordable units required, calculation of a fractional unit of .5 or more shall be rounded up to the next whole number.

B. The sale price or monthly rent of each affordable unit shall be calculated such that household size matches the number of bedrooms plus one.

C. Affordable units shall conform to all requirements for inclusion in the Chapter 40B Subsidized Housing Inventory.

D. Affordable units shall be included in the locus of the development. In exceptional circumstances, the Arlington Redevelopment Board may allow the developer to make a financial contribution to the Affordable Housing Trust Fund in lieu of providing affordable units, if it finds that:

(1) it is in the best interest of the Town to do so, or

(2) the provision of affordable units would result in a hardship that renders the development financially infeasible.

The financial contribution to the Affordable Housing Trust Fund for each affordable unit shall be equal to the difference between the full and fair cash market value of a

market-rate unit and the maximum affordable price of an affordable unit, and shall be payable in full prior to issuance of a final occupancy permit.

E. Affordable units shall be dispersed throughout the development and shall be comparable to market-rate units in terms of location, quality and character, room size, number of rooms, number of bedrooms and external appearance.

8.2.4. **Incentive**

Notwithstanding the special permit requirement under Section 6.1.10, Location of Parking Spaces, and 6.1.11, Parking and Loading Space Standards:

A. The applicant shall have the option to reduce the number of spaces required in Section 6.1.4, Table of Off-Street Parking Regulations by up to 10 percent.

B. In the case of a single-room occupancy building or dormitory, where more than 50 percent of the units are affordable to households earning no more than 60% of Area Median Income, the number of parking spaces for the affordable units may be reduced to 50% of the requirements, by special permit, where it can be shown that the parking provided will be sufficient for both residents and employees.

8.2.5. **Administration**

A. The Arlington Redevelopment Board shall administer this Section 8.2 and may adopt administrative rules and regulations to implement its provisions.

B. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for affordable units are issued simultaneously on a pro-rata basis.

C. Sales prices, resale prices, initial rents and rent increases for affordable units shall be restricted to ensure long-term affordability to eligible households, to the extent legally possible.

D. The affordable units shall be subject to a marketing plan approved by the Director of Planning and Community Development, consistent with federal and state fair housing laws and the Town of Arlington's approved Fair Housing policy, on file in the Department of Planning and Community Development.

E. To the extent not inconsistent with the provisions of G.L. c.183A, condominium documentation shall provide the owners of the affordable units with voting rights sufficient to ensure an effective role in condominium decision-making.

All legal documentation shall be subject to review and approval by Town Counsel or its designee.

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Town of Arlington, Massachusetts

Approval of Meeting Minutes from December 4, 2017

Summary:
9:50- 10:00p.m.

ATTACHMENTS:

	Type	File Name	Description
🗋	Reference Material	12042017_DRAFT_ARB_Minutes.pdf	December 4, 2017 DRAFT Minutes

Arlington Redevelopment Board
December 4, 2017
Minutes
Town Hall Annex, Second Floor Conference Room – 7:30pm

This meeting was recorded by ACMi.
PRESENT: Andrew Bunnell (Chair), Andrew West, David Watson, Eugene Benson
ABSENT: Kin Lau
STAFF: Jennifer Raitt

Correspondence: None.

The Chairman opened the meeting at 7:30pm and turned to the first item on the agenda, Zoning Recodification Update/ Special Town Meeting Warrant Article. Staff and board members provided an update on zoning recodification, upcoming community engagement and discussion of the Special Town Meeting Warrant Article. Jennifer Raitt, Planning and Community Development Director, provided the following materials, ATM and STM Warrants email, Warrant Article Submission Instructions, and a draft Zoning Recodification Warrant Article. Ms. Raitt asked the Board to consider placing Zoning Recodification on the warrant for Special Town Meeting and stated that the Zoning Recodification Working Group and staff believe it is ready for presentation at Special Town Meeting. She explained that the warrant article had been prepared with assistance from Town Counsel. Town Counsel consulted with the Attorney General's Office regarding the scope of the warrant article and then drafted three versions that would work for Arlington.

Additional documents provided were a Zoning Recodification outreach meeting schedule and an outreach plan. The outreach meeting schedule included office hours at the Department of Planning and Community Development, the ARB public hearing date, and four neighborhood meetings. The outreach plan showed a variety of outreach tools being used to educate and inform the public about the recodification process.

Mr. Bunnell asked how the meetings will be advertised to the public. Ms. Raitt responded and indicated the following: Town Notices, social media, direct mailings, and press. Mr. Bunnell asked how many of the errors, concerns, and questions found at the October Public Hearing were addressed. Mr. Watson and Ms. Raitt stated that Laura Wiener (Assistant Director of Planning) reviewed all comments received and merged many into an annotated document. Ms. Raitt further stated that the recodification consultant's feedback was included in the final document. Steve Revilak, a member of the Zoning Recodification Group, commented about the more specific changes made as a result of public concern. They included adding back the language, removal of retaining walls, to the definition of structure, restoring the original purpose statement, and stretching out the process which had been extended one month. Mr. Revilak further stated a decision for a red lined version request was still outstanding and will be discussed at the Zoning Recodification Working Group meeting being held on December 6, 2017. Mr. Bunnell asked when the document would be ready for public viewing. Ms. Raitt anticipated it being ready the following week when the notice is published: December 14th.

Discussion about hearing and advertising dates occurred and the following schedule was confirmed. The first public hearing will occur on January 8, 2018 with a continued hearing date to January 10, 2018 as well as January 11, 2018, as needed. The Legal Notice will be advertised in the Arlington Advocate for three weeks, December 14, 2017, December 21, 2017 and January 4, 2018.

Ms. Raitt stated that the Warrant opens and closes on December 6, 2017and asked the Board to vote on the Warrant Article as proposed and reviewed by Town Counsel. Mr. Benson found two formatting inconsistencies and asked for these to be amended. Ms. Raitt will amend before final submission.

Mr. Benson moved to approve the Warrant Article as amended. Mr. Watson seconded. All voted in favor. (4-0).

John Worden, Town Meeting Member, expressed concern that the process was rushed and asked the Board why the document be moved to Special Town Meeting in February. Mr. Watson responded stating that it had been a one year

process with careful regard to resident concerns. He further stated that the Zoning Recodification Working Group and the ARB have been responsive to concerns about timing in the process and extended the time period for review of the second reading draft and the hearing draft of the bylaw.

Mr. Bunnell moved to the second item on the agenda, 2018 Meeting Schedule. A copy of the proposed meeting schedule was provided for Board review, discussion and approval. It was noted that the month of August would have only one meeting and that the second meeting in April was moved to April 23, 2018.

Mr. Bunnell moved to the next item on the agenda, Approval of Meeting Minutes from November 13, 2017. Changes were noted in paragraph one.

Mr. Benson moved to approve the Meeting Minutes of November 13, 2017 as amended. Mr. Watson seconded. All voted in favor. (4-0)

Mr. Bunnell asked if there was any other business. Ms. Raitt informed the Board that a copy of the letter distributed on their behalf to the Conservation Committee was provided to them.

Mr. Benson moved adjourn the Arlington Redevelopment Board Meeting of December 4, 2017, Mr. Watson seconded. All voted in favor.

DRAFT